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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE SECOND

LEGISLATIVE ASSEMBLY OF WISCONSIN;

THIRD SESSION,

BEGUN AND HELD AT MADISON, THE SEAT OF GOVERNMENT, ON
MONDAY, THE SECOND DAY OF DECEMBER, IN THE
YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND THIRTY-NINE.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

THIRD SESSION OF THE SECOND LEGISLATIVE ASSEMBLY
OF THE TERRITORY OF WISCONSIN.

BEGUN and held at Madison, the seat of government, on Monday, the second day of December, in the year of our Lord one thousand eight hundred and thirty-nine, pursuant to an act of the Legislative Assembly, entitled "An act relative to the sessions of the Legislative Assembly," approved March 11th, 1839.

On which day, the following named members of the House of Representatives appeared and took their seats, viz:

From the county of Brown, Messrs. Ebenezer Childs and Jacob W. Conroe.

From the county of Milwaukee, Mr. Augustus Story.

From the county of Racine, Messrs. Orrin R. Stevens, Zadoc Newman and Tristam C. Hoyt.

From the counties of Rock and Walworth, Mr. Othni Beardsley.

From the counties of Green, Dane, Jefferson and Dodge, Mr. Daniel S. Sutherland.

From the county of Iowa, Messrs. Russel Baldwin, Charles Bracken, Henry M. Billings and Thomas Jenkins.

From the county of Grant, Messrs. Thomas Cruson and Joseph H. D. Street.

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From the county of Crawford, Mr. Ira B. Brunson.

On motion of Cruson,

Mr. Childs, of Brown county, was appointed Speaker *pro tem.*

On motion of Mr. Street,

John Catlin was appointed Chief Clerk *pro tem.*

On motion of Mr. Billings,

James D. Jenkins was appointed Sergeant-at-Arms *pro tem.*

On motion of Mr. Story,

H. H. Brannan was appointed Messenger *pro tem.*

Mr. Edward V. Whiton, from the counties of Rock and Walworth, appeared and took his seat.

On motion of Mr Beardsley,

Edward Elderkin was appointed Door-keeper *pro tem.*

Messrs Prentiss, Wells and Vineyard, from the Council, were introduced. and informed the House that the Council were in organization, *pro tempore,* and ready to proceed to business.

On motion of Mr Billings,

Ordered, That a committee of two be appointed to inform the Council that this House is now organized and ready to proceed to business.

Messrs. Billings and Brunson were appointed said committee.

Mr. Whiton presented the certificate of the Governor of the election and qualification of Messrs. William R Longstreet. Adam E. Ray and William Shew, members elect from the counties of Milwaukee and Washington, which was read, and

On motion of Mr. Whiton,

They were admitted to their seats.

The following message was received from the Council, by the Secretary thereof.

"Mr. Speaker—The Council have appointed Messrs. Wells and Brigham, a committee, on their part, to act in conjunction with a similar committee to be appointed by this House, to wait upon His Excellency the Governor, and inform him that the two Houses are now in organization, *pro tem.*, and ready to receive any communication he may have to make to them."

Mr. Billings, from the committee appointed to inform the Council of the organization of the House, pro tempore, reported that they had performed that duty.

On motion of Mr. Whiton,

Ordered, That a committee of two be appointed, on the part of this House, to act in conjunction with the committee appointed by the Council, to wait upon His Excellency the Governor, and inform him that the two Houses have organized, pro tempore, and are ready to receive any communication he may have to make them.

Messrs. Whiton and Shew were appointed the said committee.

Ordered, That the Council be acquainted therewith.

Mr. Charles C. Sholes, from the county of Brown, appeared and took his seat.

On motion of Mr. Billings,

Resolved, That the standing rules of the House of Representatives of last session, be adopted until others are prepared and adopted.

Mr. Whiton, from the joint committee, appointed to inform His Excellency the Governor of the organization of the two Houses, pro tem., reported that the committee had performed the duty assigned to them, and were informed by His Excellency, that he would address the two Houses, in person, on to-morrow at 11 o'clock meredian, in the Representatives' Hall.

On motion of Mr. Street,

The House adjourned until to morrow at ten o'clock A. M.

TUESDAY, Dec. 3d, 1839.

The House met pursuant to adjournment. The roll was called, and a quorum not being present, the messenger was sent after absent members.

Mr. Story presented the certificate of the election and qualification of Mr. Horatio N. Wells, from the county of Milwaukee, which was read, and

On motion of Mr. Conroe,

He was admitted to his seat.

On motion of Mr. Whiton,

Ordered, That the House proceed to the election of officers.

On motion of Mr. Conroe,

Ordered, That the roll be called previous to going into the election of officers, and that the Serjeant at-Arms be sent after absent members.

On motion of Mr. Whiton,

D. F. Kimball was appointed Serjeant-at-Arms, *pro tempore*, in place of Mr. Jenkins, who was not in attendance.

The roll was then called and the Serjeant-at-Arms sent after the absent members.

Message from the Council by the Secretary:

"Mr. Speaker—The Council have passed a joint resolution relating to printing, in which I am directed to ask the concurrence of this House."

And then he withdrew.

Resolution No. 1, was then taken up, and

On motion of Mr. Sholes,

Was read the first and second time and laid on the table.

Mr. Story offered the following resolution, entitled No. 1, "joint resolution relating to the transportation of the mail between Madison and Milwaukee;"

Which was read a first and second time.

The absent members having appeared, the House proceeded to the election of officers.

On motion of Mr. Conroe,

Messrs. Street and Wells were appointed tellers to canvass the votes.

On motion of Mr. Cruson,

Ordered, That the House first ballot for a Serjeant-at-Arms.

Mr. Cruson nominated James Durley.

The ballots being taken and counted, it appeared that James Durley had received twenty-one votes, and was thereupon declared to be unanimously elected.

A motion was then made by Mr. Billings that the House do now proceed to elect a Chief Clerk, and the question being taken,

It was decided in the negative.

A division being called for, there were ayes 10, noes 10.

So the motion was lost.

On motion of Mr. Shew,

The House proceeded to ballot for an assistant clerk.

Mr. Shew nominated Benjamin H. Edgerton.

The votes being taken and counted, it appeared that Mr. Edgerton had received twenty-one votes, and was declared to be unanimously elected.

The House then, on motion of Mr. Street, proceeded to elect two transcribing clerks.

Mr. Sholes nominated B. C. Eastman.

Mr. Stevens nominated Robert H. Strong.

The votes having been taken and examined, it was found that Robert H. Strong had received sixteen votes, B. C. Eastman twenty-two, Thomas O. Spraig three, and I. A. Libby two.

Messrs. Strong and Eastman were declared to be duly elected.

On motion of Mr. Cruson,

James Durley, elected Serjeant-at-Arms, appeared at the clerk's table and was sworn truly and faithfully to discharge his duties in office.

On motion of Mr. Whiton,

The election of officers was postponed to some future period.

On motion of Mr. Cruson,

Ordered, That seats be prepared for the reception of the Governor and Council.

The clerk was ordered, on motion of Mr. Baldwin, to inform the Council that seats had been prepared in the Representatives' Hall for the Governor and Council, preparatory to the delivery of the Governor's message.

On motion of Mr. Sholes,

The joint committee appointed, on yesterday, to wait upon His Excellency the Governor, &c., was requested to inform His Excellency that the two Houses had assembled in the Representatives' Hall.

The Council having met the House, and the Governor being introduced, addressed the two Houses, as follows:

Fellow-citizens of the Council and House of Representatives:

You are assembled, in conformity to a law of the last session of the Legislative Assembly, to resume the responsible duties that devolve on you as the representatives of the people of Wisconsin.

We have abundant cause to be thankful to divine Providence, for the many blessings conferred upon us. Crops of every kind, adapted to our climate, have this season been unusually abundant, and the husbandman has reaped a rich reward for his industry. Our citizens, who cultivate the soil, are rapidly developing the great agricultural resources of the country: our prairies are being converted into luxuriant fields, and towns and villages are springing up where the wigwam of the savage stood seven years ago. We have a territory of nearly sixty thousand square miles in extent, containing rich and inexhaustible stores of mineral wealth, possessing a climate of the most genial and salubrious character, and a soil suited to the production of every thing calculated to minister to the necessities and comforts of man. We have the great lakes, Michigan and Superior, (our inland seas,) on the east and north, the Father of Rivers on the west, with several noble streams penetrating the Territory in different directions.

Coming immediately from the mass of your constituents, it is presumed that you bring with you such a knowledge of their wants as will enable yon to enact laws accommodated to their state and condition. To legislate for enlightened freemen, is one of the most important labors man is called upon to perform. To prescribe what is right, and prohibit what is wrong, by the passage of salutary laws, equal in their bearing on all classes of the community, is the great object for which we have been convened; and, you may rely, gentlemen, on my co-operation in the support of all such measures, as have for their object the attainment of these desirable results.

At the last regular session of the Legislative Assembly, I submitted, for your consideration, the importance of consulting the people of the Territory, at an early period, on the subject of taking such measures, as might be deemed expedient, for the admission of Wisconsin as one of the independent States of this Union. Elections will be held throughout the Territory, on the first Monday of August next, for members of the House of Representatives, and I would respectfully suggest to you the propriety of passing a resolution recommending to the qualified electors in the Territory to determine by their votes, cast at that time, whether they are for or against the organization of a state government. The subject will then be fairly presented to the people, and they can decide for themselves

The laws passed at the annual and adjourned sessions of the Legislative Assembly, have been but for a short time promulgated throughout the Territory, and the people cannot have had the opportunity to understand how far they are applicable to their situation and wants. But one term of the district court has been held in any one county, since their distribution. It appears to me, therefore, that as few changes as possible are desirable at the present session, and only such should be made as the public interest imperiously requires. At the next session of the Legislative Assembly, the practice of the courts, as well as the administration of the laws, will enable the Legislature to ascertain the deficiencies and to apply the proper remedy, by a repeal or modification of such of them as are not suited to the wants and condition of the people.

I would respectfully recommend to the Legislative Assembly the propriety of memorializing Congress, for an appropriation of thirty thousand dollars, for the erection of a penitentiary in this Territory, to be located at such point as may be designated by the Legislative Assembly. The spirit of the age we live in, as well as the humanity of our laws, are opposed to capital punishments except in cases of the highest grade of crime. The establishment of a penitentiary would secure the community against the aggressions of the depraved—be the means of punishing the guilty—and operate as a salutary example in deterring others from the perpetration of crime. Solitary confinement at hard labor would have a greater effect in preventing the violations of our penal laws than any other means that could be devised; and, by leaving the convict to his own reflections, would have a good effect, in reclaiming him from the error of his ways and restoring him to the path of rectitude. Constant employment, and entire separation from evil communications, might be the means of its accomplishment.

Since the organization of the Territorial government, persons, convicted of crimes of a high grade, who merited punishment at hard labor, have been pardoned on the petitions of the citizens of counties where the offences were committed, who stated that the expenses incurred for the safe keeping of their convicts would be burthensome in the extreme to the inhabitants of those counties, without their being able to derive any advantage from their labor during confinement. From the generous donations made by Congresss for the erection of the Capitol of Wisconsin, we may reasonably expect that the same liberality will be extended to us in making suitable appropriations for the erection of a penitentiary.

I would respectfully invite the attention of the Legislative Assembly to the embarrassed state of the currency in this Territory. It is a fact well known that the constant drain of specie, in payment of the public lands, has rendered it impossible for those who are indebted, to procure the constitutional currency to enable them to pay their debts, and unless relief is granted by the Legislative Assembly, the ruin of many is inevitable. The State Bank of Illinois, and its branches, have suspended specie payments, and the Mineral Point Bank, (the only banking institution now in operation in the Territory,) does not discount any paper at present.

A forced sale of personal property, under the existing execution laws, would not only deprive the debtor of the means of support, but in many cases prevent the creditor from a recovery of his debt. If the present execution laws were so amended as to give a stay of twelve months on an execution, upon the defendant entering into such security as would be approved by the court, it does seem that no injustice would be done to the plaintiff. In legislative action between debtor and creditor a due regard should be had to the rights of both. In numerous instances the forced payment of a prior judgment would deprive the debtor of the means of discharging other just demands. I have deemed it an act of official duty to present these views, on an important subject, for your serious consideration.

I would respectfully recommend to the Legislative Assembly, the propriety of taking such legal measures as they may deem necessary, (by the appointment of a Committee, or otherwise,) to ascertain the true state and condition of the Bank of Mineral Point, and to report thereon during the present session. This bank is the only one now in operation in our Territory; and, from the great scarcity of circulating medium, added to our present pecuniary embarrassments, it becomes the duty of the public functionaries to guard with the utmost viglance the rights of the people against bank abuses. The principal currency of the Territory, for nearly two years, was in the notes of the bank of Wisconsin, which, it is said, are now purchased at a discount of from fifty to seventy per cent. Banking institutions generally commence their operation in great (apparent) good faith—until they have gained the confidence of the people—and then expand or contract their issues as will be most conducive to their own interests; and, it is not uncommon for a bank failure to take place, when least expected by the people. The experience had in banking operations in Wisconsin, should admonish the representatives of the people of the necessity of carefully securing their constituents against a recurrence of similar events.

It is contended by many, interested in bank charters, that they are out of the reach of legislative control. This doctrine, held and maintained, would be subversive of the dearest rights of the people, by a submission to the banks of the entire control of the currency during the existence of their charters. Banks were instituted for the benefit of the people, and should at all times be thrown open to the scrutiny and examination of the proper authorities. The history of corporations unequivocally demonstrates, that men, in their corporate capacity, will do acts which they would not perpetrate as individuals.

Their proceedings are generally in secret; and their responsibilities are divided. And from the nature of corporations a spirit of favoritism must exist. They are associations to which are given the possession and enjoyment of privileges which men are debarred from exercising in their individual capacities. The exclusive powers, conferred on them by legislative action, are drawn from the people, and in proportion to the number of incorporated companies, will the people in their individual capacities be deprived of their rights. I am not opposed to well-regulated banks. Properly conducted, they facilitate exchange, and frequently enable the industrious merchant and mechanic to carry on his business to greater advantage. They also afford a safe and profitable investment for the money of the capitalist, and, if prudently managed, must be useful to the community. It must be admitted, however, that monied associations are not republican in their tendency, and when used for purposes of speculation, have a withering influence on the best interests of the great mass of community. Monopolies of every kind should be put down, and all corporations strictly confined to the privileges plainly set down in their charters. The exercise of their powers, being in derogation of individual rights, should never be extended beyond the plain letter *and spirit* of their acts of incorporation. If they are permitted to leave their legitimate business of banking, and to enter the field of speculation, by dealing in the staple commodities of the country, their capital would always enable them to prostrate individual enterprize, and to monopolize every description of business. While we should carefully guard the rights of associations, we should not forget that the great mass of the community have also rights, and that the welfare of all depends on their maintenance.

The Commissioners, appointed under the act of the Legislative Assembly, approved March 8th, 1839, to superintend the completion of the Capitol, have made a report thereon, which is herewith submitted. It appears therefrom that a settlement has not yet been effected with the former board of Commissioners and their Treasurer. The present board, however, it would appear, have done every thing required of them, by law, in the discharge of the duties of their appointment. The appropriation by Congress of forty thousand dollars, for the erection of the Capitol, was a liberal donation on the part of the government, and it is due to the people of this Territory, (for whose benefit the donation was made,) that proper measures should be adopted to ascertain what disposition has been made of that part of the appropriation which has not been accounted for.

I respectfully recommend to the Legislative Assembly the propriety of again memorializing Congress, asking for suitable appropriations for the improvement of the navigation of the Fox river of Green Bay, the Wisconsin, Rock, Pekatonika and Platte rivers, and the River of the Four Lakes. In my last annual message I suggested the propriety of asking donations in land for this purpose. From the extent of the grant in land, made by the government to aid in opening the Milwaukee and Rock river canal, I consider that donation as establishing a precedent that would have a favorable bearing on the action of Congress, in the granting of similar donations for the improvement of the rivers above named. The practicability of their improvement by the means of small appropriations from Congress is very apparent to all who are acquainted with the great natural advantages and facilities of the country through which they flow.

The improvement of the navigation in the Fox and Wisconsin rivers, and the completion of the canal connecting them together, near the Portage, are objects of the first importance to the future growth and prosperity of the Territory. The accomplishment of this would at once open a direct communication between the Mississippi and Lake Michigan. The rich and fertile lands bordering on these rivers, would be speedily settled and cultivated by the enterprizing immigrant; and a direct and sure route to the eastern markets would be afforded for the lead manufactured near to the Wisconsin river: besides, the public lands would be greatly enhanced in value, by the formation of extensive settlements, which would materially add to the prosperity of the town of Green Bay, as well as to the growth of the whole country lying between the Mississippi and Lake border.

The Rock river has its source near Lake Winnebago, and, running in a southernly direction near the centre of the settled part of the Territory, waters a large extent of fertile country. From the liberal appropriation made by the state of Illinois for the improvement of the navigation of this river, to the line of our Territory, it is confidently believed by those acquainted with the obstructions above the line of that state, that with a small appropriation from Congress, the navigation might soon be rendered complete from its junction with the Mississippi to that point where it is contemplated to unite its waters, by canal, with those of Lake Michigan.

The improvement of the navigation of the River of the Four Lakes, would open a direct communication for steamboats to the seat of government of our Territory, and afford important commercial facilities to that point—thereby greatly enhancing in value the lands of the United States, as well as those of individuals in that portion of the Territory. From the short distance of the outlet at the Fourth Lake to its confluence with Rock river, and from the very few obstructions met with, it is known that but a small appropriation by Congress would be necessary to complete its navigation.

The improvement of the Pekatonika is an object of the deepest interest to the people residing in the mineral region. This river has been navigated by flat-boats, descending from a point within seven miles of Mineral Point, to its junction with Rock river. The current is gentle, and the river susceptible of easy improvement; and by cutting canals across some of the prominent bends, the distance would be shortened from the point alluded to, to where this stream unites with Rock river, at least one third of its present length. The advantages that would result to the people resident in the mining region of country, bordering on this river, by having a water communication with the Mississippi river for the transportation of their heavy products to market, in lieu of the present land carriage of nearly forty miles, are very apparent. Great facilities would also be afforded to the agriculturalists of that section in the transportation of their surplus produce to a southern market.

The improvement, also, of the Platte river, is a work of the first importance to that section of the Territory through which it passes. The town of Platteville has a population of several hundred inhabitants, and the adjacent country is in a high state of agricultural improvement. Some of the most productive lead mines have been discovered in the immediate vicinity of that place. It is believed that the distance on this stream which requires to be improved, would not exceed fifteen to eighteen miles; so that the expenditure necessary would be altogether inconsiderable, in comparison with the advantages which would result from it. After a few years, there will be a large surplus of agricultual produce to be transported from thence to find a market south, independent of the heavy product of the lead mines. The United States has received several millions of rent lead, for the use and occupancy of the mines on and near the waters of the Pekatonika and Platte rivers; and it would be an act of justice only, for Congress now to make a liberal donation, in land, for the improvement of these streams, more especially, as the value of the unsold lands on their borders would be greatly increased.

By the first section of an "Act to provide for aiding in the construction of the Milwaukee and Rock river canal," approved February 26, 1839, the Governor was authorized to borrow the sum of fifty thousand dollars; accordingly, bonds were issued to that amount on the fifth of August last, executed by me, in the name of the Territory, and under authority of an act of Congress, for one thousand dollars each, bearing an interest of six per centum per annum and payable twenty years thereafter. And, in conformity to the 20th section of the act first referred to above, John H. Tweedy, esq., the present Receiver of the board of canal commissioners, was appointed the agent of the Territory to make sale of said bonds, and the Bank of America, in the city of New-York, designated as the depository of the funds arising therefrom, in the event of a sale. Mr. Tweedy, in his report to me on this subject, states that stocks of every nature were depressed to a lower point than they had at any time been for many years, not excepting the panic of 1837. The seven per cent. stocks of the city of New-

York were selling at 95; New-York state bonds, four per cent., at 77 1-2; and the bonds of most of the other states, least encumbered with debt, were totally unsaleable. Money was commanding three times the ordinary interest in all the larger cities, and in the smaller places of business. As early as may be practicable, the contemplated loan will be effected, in order to enable the canal company to commence their operations.

In the report of the chief engineer, made in obedience to the 15th section of the "Act to provide for aiding in the construction of the Milwaukee and Rock river canal," (and which is herewith submitted,) the estimated cost of the construction of the canal is given at less than twelve hundred thousand dollars. The liberality of the grant made by Congress to aid in the construction of this work, is evidence of the important light in which it was viewed by that body, as forming a great connecting link between the waters of the Mississippi and those of the northern lakes. I will here repeat the views expressed by me in a former message, on this subject:—"From the liberal provisions of this grant of land, it may be considered as the commencement of a system of internal improvements under the fostering protection of the government, which will have the most beneficial results in promoting the future welfare of the people of Wisconsin, by opening a direct communication between the waters of lake Michigan and those of the Mississippi, by the Rock river, which is the most practicable southern route, passing through a fertile region of country, well adapted to agricultural purposes. The completion of the contemplated canal will be the means by which the products of the mining region of Wisconsin can be more readily conveyed to the eastern markets, which now take a much longer and more circuitous route, by the way of New-Orleans."

I would recommend to the Legislative Assembly the propriety of so amending the act referred to in the preceding paragraph, as to authorize the payment of the salaries of the chief engineer and commissioners of the canal, out of the proceeds of the sales of the canal lands. At present, these proceeds are exclusively applied to the payment of the principal and interest of the loan, authorized to be made in the first section of the act. Justice requires that provision should be made for the payment of these salaries, since important duties have been exacted from these officers, and, as yet they have received no compensation for the services rendered.

In the 3d section of the act of Congress granting a quantity of land to aid in the improvement, above referred to, it is enacted that the alternate sections and fractional sections of land which shall remain to the United States, agreeably to the first section of said act, shall not be sold for a less sum than two dollars and fifty cents per acre, nor be subject to pre-emption. I would suggest the propriety of memorializing Congress to place the occupants of these lands in the same situation with other settlers on the public domain, by allowing them the right of pre-emption, and permitting them to enter their lands at the minimum price of the public lands. These settlers have, by their enterprize and industry, converted a wild waste into fruitful fields, have encountered all the privations incident to new settlements elsewhere, and are justly entitled to a participation in the indulgences granted to other settlers. This policy has "grown with the growth, and strengthened with the strength" of the western States of our Union—is sanctioned by public opinion generally, and has received the warm support of the most enlightened statesmen of this republic. The settlers upon the canal reservations, are a part of that same band of pioneers in the march of improvement, who are rapidly extending the empire of this Union, and whose spirit of adventure and enterprize will ere long cross the Rocky mountains and plant the American standard on the shores of the Pacific.

I deem it my duty to call your attention to the propriety of again memorializing Congress, asking an extension of the right of pre-emption to all miners in this Territory, who have obtained the possession of mineral lots, under authority of the superintendent of the United States lead mines, either by discovery or purchase, and to those persons who have located themselves either on lands reserved by the government for smelting purposes, or on the reservations made for half-breeds of the Winnebago nation, [illegible] der the treaty of 1829, (which reservations have been re-located,) and that they be permitted to enter said lands at the minimum price of other government lands. Large tracts have been reserved by the government, through the superintendent of the mines, for smelting purposes, in the counties of Grant and Iowa, upon which are located numerous settlers who have made considerable improvements. By granting permission to these persons to enter their lands at government price, justice alone will be done to them, and no injury can result to the United States.

The propriety also of again memorializing Congress for appropriations for the construction of harbors on lake Michigan, is respectfully recommended. Memorials on this subject have been forwarded by the Legislative Assembly to Congress annually, since the organization of our Territorial government, with but little success. The reports of the engineers, employed to make the necessary surveys for this purpose, embrace such accurate topographical information as ought to enable Congress to determine the points, best fitted for such improvement, and the amount of the appropriation necessary for the execution of the work. Due regard should be had also, in the selection of the points, to the commercial facilities required at each, and to the growth of the surrounding country. Within a short period of time, more than a million of dollars has been received into the Land office at Milwaukee from the sales of the public lands. From this fact, and that of the very small appropriations made by Congress for harbors or other improvements on our Lake border, who can fail to observe the great inequality which prevails in the distribution of government favors. For the protection of the commerce on our sea-board; millions are expended in the erection of break-waters, &c., while for want of harbors on this Lake, vessels are compelled to encounter the severest gales, during the autumnal season, with little expectation of being able to out-ride the storm. Recently, opposite to the mouth of Milwaukee river, four valuable citizens found a watery grave—a disaster which must be ascribed to the want of a harbor at that place. Human life is above all price, and the common dictates of humanity would seem to point out the means of its preservation as the primary object of a government instituted for the benefit of the people. And it is a well established fact, that the commercial trade of lake Michigan has increased in a ratio far exceeding that of any other of the waters of the United States. The settled policy of the government too, heretofore has been to afford every facility to its commerce by diminishing as much as possible the dangers of navigation; and, the enterprizing citizens who have immigrated to our Lake border, have a reasonable right to expect that the same facilities will be extended to them which have been afforded to other portions of the Union.

Additional appropriations should also be asked from Congress for the construction of the Territorial road from Milwaukee, by way of Madison, to a point opposite the town of Dubuque on the Mississippi river, and for the construction of a road from Racine, by Janesville, to Sinipee, on the Mississippi. Ten thousand dollars have been appropriated for the construction of each of these roads—a sum entirely too small, considering their extent and importance. The completion of these thoroughfares would vastly facilitate the settlement of the country between the Mississippi and the Lake—would greatly add to the value of the public lands—be of incalculable benefit to the agricultural, commercial, and mining interests—and provide for the safe and speedy transportation of the mails.

The appropriation of two thousand dollars, for the survey and estimate of the cost of a railroad from Milwaukee to Dubuque, made by an act of Congress, approved July 7th, 1838, was, by a subsequent act, approved March 3d, 1839, directed to be applied by the Secretary of War to the survey of the most eligible route for a railroad, from the town of Milwaukee, on lake Michigan, to such point on the Mississippi river as may be deemed most expedient. The country between the Mississippi and the lake is well adapted to the construction of a railway. There are no mountains or morasses to be encountered, the surface of the country is generally level, and it is believed that a communication of this character can be made by an expenditure comparatively small, when viewed with that which is unavoidably to be incurred in most of the States; and the advantages which must follow its completion, to the future prosperity and growth of the Territory, would far exceed any estimate that could now be made. It would hasten the formation of dense settlements throughout the whole extent of the road, advance the sales of the public lands, afford increased facilities to the agricultural, commercial and mining interests of the country; and further, it would enable the government to transport troops and munitions of war, with great expedition, and concentrate them on our extensive frontier, should it become necessary for the protection of the border settlements against the encroachments of a savage enemy. I would, therefore, urge the propriety of memorializing Congress for a further appropriation for this object.

The Indians on our border seem peaceably disposed towards the settlers; and, notwithstanding the Sioux and Chippewa Indians are in a state of warfare with each other, they evince no disposition to molest those of our citizens who are most exposed, on the St. Croix and Chippewa rivers. The removal of the Winnebagoes, as early in the spring as practicable, is a matter of primary importance to the frontier people, whose stock, and other property, is constantly exposed to their intrusions. If this was effected, the settlements would soon be extended north of the Wisconsin, and all apprehension of difficulty or danger, from a contiguity to the Indians, would be expelled. These Indians, from the frequency of their depredations on the border settlers, have justly rendered themselves obnoxious, and have good reason to expect that measures will be taken for their removal, or difficulties of a serious character may occur.

Under the existing laws of the United States, and in conformity to the act of the Legislative Assembly, "relating to the militia," approved the 8th of March last, it became necessary to re-organize the militia of the Territory, and to re-form the companies, in order to designate the bounds of battalions, regiments, brigades, and divisions. With this view, and to enable the Adjutant-General to make a correct return of the strength of the militia, and to cause a a proper distribution of the arms, according to numbers, a general order was issued, directed to the commanders of the several regiments and separate battalions, requiring them to designate anew the bounds of their respective companies, and so to arrange them as that each of the companies should be composed of ninety-three men, including officers, non-commissioned officers, musicians and privates. Complete returns have been received at the office of the Adjutant-General, only from the 2d regimental district, composed of the original county of Brown, and from the separate battalion, composed of the county of Crawford. An abstract of these returns, as well as those received from other commands, are embraced in the accompanying report of the state of the militia of the Territory, furnished from the office of the Adjutant-General. From the sparse and detached situation of many of the settlements, and the great difficulty of forming companies in conformity to law, I would respectfully recommend so to amend the militia law as to reduce the number of men composing a company to forty-five, including officers, non-commissioned officers and privates. The reduction of the number of men in the companies will much facilitate the organization of the militia, and render them more effective. No serviceable organization has yet taken place, arising partly from the failure in the distribution of the laws at the period prescribed by the Legislature. A knowledge of the laws which are to govern them, with a correct and useful system of instruction for the officers and non-commissioned officers, is absolutely requisite to a proper organization of the militia; I would, therefore, recommend the printing of at least one hundred and fifty copies of the "Act relating to the militia," and the purchase of the same number of "Cooper's approved system of military tactics," as early as possible—to be distributed, under the direction of the Adjutant-General, to the officers of the militia and the several volunteer companies.

The Commissioners, appointed by a resolution of the last Legislative Assembly, to locate a portion of the University lands, donated by Congress, not having been officially notified of their appointment, nor furnished with a copy of the resolution, it is understood that the duties required of them remain unperformed. I would, therefore, recommend the propriety of adopting such measures as will ensure an early location of these lands.

In conclusion, fellow-citizens, permit me to recommend that a spirit of harmony and good feeling may govern our legislative deliberations. By the diligence with which we engage in the public service, we but evince our sense of duty; so may it be our endeavor, by a close attention to the business which has brought us together, and by a steady adherence to sound principles, to pursue a course that will assuredly promote the happiness of those whom we represent. HENRY DODGE.

Madison, December 3, 1839.

(The documents accompanying the Governor's message are contained in the Appendix. See documents A. B. and C.)

On motion of Mr. Waiton,

One thousand copies of the Governor's message, and five hundred copies of the accompanying documents, were ordered to be printed.

On motion of Mr. Shew,

The House adjourned until 3 o'clock P. M.

Three o'clock P. M.

On motion of Mr. Bracken,

Ordered, That the House proceed to elect the third transcribing clerk.

Mr. Bracken nominated Henry J. Handy, James D. Jenkins and John Hamilton.

The ballots having been taken and counted, the following was the result:

James D. Jenkins received fourteen votes;
Henry J. Handy received three votes;
John Hamilton received three votes; and,
Blank one vote.

James D. Jenkins, having received a majority of all the votes, was declared to be duly elected.

The House then proceeded to elect a door-keeper.

Mr. Brunson nominated Samuel A. Clark;

And the votes having been counted, it appeared that Samuel A. Clark had received twenty-two votes, and was declared to be unanimously elected.

On motion of Mr. Sholes,

The House proceeded to the election of a messenger.

Mr. Sholes nominated Theodore Green;

And the votes being counted, the following was the result:

Theodore Green received eighteen votes;

Isaac Atwood received one vote; and,

Blank two votes.

Theodore Green was thereupon declared to be duly elected.

On motion of Mr. Whiton,

The House proceeded to the election of chief clerk.

Mr. Whiton nominated Edward Elderkin;

And the votes having been taken and counted, it appeared that

Edward Elderkin had received eight votes;

John Catlin received thirteen votes; and,

Blank one vote.

John Catlin having received a majority of all the votes given, was declared to be duly elected.

The House then proceeded to elect an assistant door-keeper.

Mr. Whiton nominated Daniel Butts;

Mr. Sutherland nominated Isaac Atwood.

The votes being taken and counted, the following was the result:

Daniel Butts received eighteen votes;

Isaac Atwood received two votes; and,

——— Hamilton received two votes.

Daniel Butts was declared to be duly elected.

The officers elected then appeared at the clerk's table, and were severally sworn to the true and faithful discharge of their duties in office.

On motion of Mr. Sholes,

The House adjourned.

WEDNESDAY, December 4, 1839.

Mr. Baldwin presented a communication from W. W. Wyman, relating to printing; which was read and laid on the table.

On motion of Mr. Story,

The House resolved itself into the committee of the whole, Mr. Whiton in the chair, having under consideration resolution No. 1, from the Council, entitled "Resolution relative to printing," and "Joint resolution (No. 1, H. of R. file) relative to the transportation of the mail between Madison and Milwaukee."

After some time the committee rose and reported resolution No. 1, from the Council, without amendment, and resolution No. 1, H. of R. file, with an amendment.

The report of the committee was agreed to.

Resolution No. 1, entitled "Joint resolution relative to the transportation of the mail between Madison and Milwaukee," was ordered to be engrossed for the third reading.

Mr. Shackelford moved that the resolution entitled "Resolution relative to printing," be indefinitely postponed.

The ayes and noes were called for, on the said question, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Bracken, Hoyt, Newman, Shew, Stevens, Sutherland, Story, and Shackelford—11.

Noes—Messrs. Brunson, Childs, Conroe, Cruson, Jenkins, Longstreet, Ray, Sholes, Street, Whiton, and Wells—11.

So the motion was lost.

Mr. Sholes moved to amend the resolution, by striking out in the fourth line, the word "and," and inserting after the word "session," the following words:

"And to make inquiries, and report to the Legislative Assembly, such information in relation to the price of labor, materials, &c., as will enable the Assembly to determine in relation to a proper compensation to be allowed for the same."

The amendment was adopted, and the resolution ordered to be read the third time.

Mr. Shackelford moved a call of the House, which was ordered, and the absent members were sent for.

Mr. Shew moved that the resolution be recommitted to the committee of the whole, which was agreed to.

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole, on said resolution, Mr. Shew in the chair.

After some time the committee rose and reported the said resolution with amendments, which were agreed to.

The resolution was then ordered to the third reading, and was read the third time and passed.

Ordered, That the Council be acquainted therewith.

Mr. Story reported resolution No. 1, entitled "Joint resolution relative to the transportation of the mail between Madison and Milwaukee," to be correctly engrossed; which was then read the third time and passed.

On motion of Mr. Whiton,

The title of the said resolution was amended to read "Joint resolution relative to the transportation of the mail."

Ordered, That the concurrence of the Council be requested therein.

Mr. Street offered the following resolution, which was adopted:

Resolved, That the chief clerk furnish a list of the names of members of this House to the Post-Master at this place, and that the postage on all letters and papers sent and received by members, be paid out of the monies appropriated to defray the expenses of the Legislative Assembly.

On motion of Mr. Brunson,

Resolved, That each member of this House be authorized to order for his own use, at the expense of the Territory, any number of copies not exceeding twenty each week, during the session, of any newspaper published in the Territory.

On motion of Mr. Whiton,

The House adjourned.

THURSDAY, December 5, 1839.

Messrs. Alexander McGregor, from Crawford county, and Nelson Dewey, from the county of Grant, appeared and took their seats.

Mr. Street presented the certificate of election and qualification of Jonathan Craig, member elect from the county of Grant, who was, on motion, admitted to his seat.

On motion of Mr. Sholes,

The House proceeded to the election of Speaker.

On motion of Mr. Shew,

Ordered, That two tellers be appointed to canvass the votes.

The Speaker appointed Messrs. Shew and Billings.

On motion of Mr. Jenkins,

A call of the House was made, and the serjeant-at-arms sent after absent members.

The absent members having appeared, the House proceeded to ballot a first time, and the votes having been taken and counted, the following was the result:

Mr. Whiton received twelve votes;
" Sholes two votes;
" Bracken one vote;
" Childs two votes;
" Brunson one vote;
" Shackelford three votes;
" Dewey two votes; and,
" Story one vote.

Neither of the persons voted for having received a majority of the votes given, the Speaker declared that no election had been made.

On motion of Mr. Street,

The House proceeded to the second ballot, which resulted as follows:

Mr. Whiton received twelve votes;
" Shackelford six votes;
" Childs two votes;
" Sholes two votes;
" Dewey one vote;

Mr. Bracken received one vote; and,
" Brunson one vote.

Neither of the candidates having received a majority, the Speaker again declared that no election had taken place.

On motion of Mr. Sutherland,

The House balloted the third time as follows:

Mr. Whiton received twelve votes;
" Shackelford nine votes;
" Childs one vote;
" Sholes one vote;
" Bracken one vote; and,
" Brunson one vote.

The Speaker again declared that no election had taken place.

Mr. Sholes moved that the election of Speaker be postponed for the present, which, being put, was disagreed to.

On motion of Mr. Cruson,

The House proceeded to the fouth ballot, and the following was declared to be the result:

Mr. Whiton received twelve votes;
" Shackelford nine votes;
" Childs one vote;
" Sholes one vote;
" Bracken one vote; and,
" Brunson one vote.

The Speaker again declared that no choice had been made.

Mr. Sholes moved that the election of Speaker be postponed until afternoon, which motion was disagreed to.

A division being called for, there were ayes 7, noes 12.

The House then, on motion of Mr. Shew, proceeded to a fifth ballot, and the votes being taken and counted, it appeared that

Mr. Whiton had received fifteen votes;
" Shackelford seven votes;
" Sholes one vote;
" Bracken one vote; and,
" Brunson one vote.

Edward V. Whiton having received a majority of all the votes was declared to be duly elected Speaker.

On motion of Mr. Street,

Ordered, That a committee of two be appointed to conduct the Speaker elect to the chair.

The Speaker elect having been conducted to the chair, addressed the House as follows:

Gentlemen of the House of Representatives:

I thank you for this manifestation of your confidence. The discharge of the duties which will devolve upon me as the presiding officer of this body will, I am conscious, be very imperfectly accomplished; but relying upon your support and assistance, and when error shall be committed, upon your forgiveness also, I accept with gratitude, the station to which you have elected me.

On motion of Mr. Billings,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Shackelford gave notice that on some future day he should ask leave to bring in a bill to provide for the construction of a road from Madison to Fox lake.

On motion of Mr. Childs,

Ordered, That a committee of three be appointed to report rules for the government of this House during its present session.

Messrs. Sholes, Story and Baldwin were appointed the said committee.

On motion of Mr. Billings,

Resolved, That all ministers of the gospel residing at, or visiting Madison during the present session of the Legislature, are hereby invited to hold public worship in the hall of the House of Representatives on the Sabbath.

Mr. Shackelford offered the following resolution:

Resolved, That W. W. Wyman, editor of the Madison Express, be authorized to do the incidental printing of the House, until the House shall otherwise determine.

Mr. Jenkins moved that the resolution be laid on the table, which was disagreed to, ayes 9, noes 14.

Mr. Childs moved to amend the resolution by striking out the words "W. W. Wyman, editor of the Madison Express," and inserting in lieu thereof, the words "J. A. Noonan, editor of the Wisconsin Enquirer."

Mr. Shew called for a division of the question, and the question was first taken on striking out and lost; ayes 10, noes 13.

The question then recurred on adopting the resolution, and the ayes and noes being called for by Mr. Street, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Hoyt, Longstreet, McGregor, Newman, Shew, Stevens, Sutherland, Story and Shackelford—12.

Noes—Messrs. Bracken, Brunson, Childs, Conroe, Cruson, Craig, Dewey, Jenkins, Ray, Sholes, Street, Wells and Whiton, speaker—13.

So the resolution was lost.

Message from the Council by the Secretary:—

"Mr. Speaker—I am directed to inform you that the Council have concurred in the amendment made by this House, to a resolution of the Council, in relation to printing, and that Messrs. Brisbois, Martin and Vineyard, have been appointed the committee on the part of the Council under said resolution."

And then he withdrew.

Messrs. Sholes, Street and Story, were appointed a committee, on the part of the House, under the joint resolution of the two Houses relating to printing.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Sutherland, the following resolution was adopted:

Resolved, That a committee of three be appointed on the part of this House, to act in conjunction with a similar committee to be appointed on the part of the Council, to report a set of joint rules for the government of the Legislative Assembly during the present session.

The Speaker appointed Messrs. Wells, Shackelford and Bracken, a committee, on the part of the House, under the said resolution.

Ordered, That the Council be requested to concur therein.

Mr. Longstreet gave notice that on some future day he would ask leave to bring in a bill to provide for the location and sale of the University lands.

On motion of Mr. Crosson,

The House adjourned.

FRIDAY, December 6, 1839.

Mr. Shew presented the petition of Asa Clark, and others, relating to the construction of a dam across the outlet of Pewaukee lake.

Mr. Wells moved that the petition be laid on the table.

Mr. Longstreet moved an amendment to the motion, that the petition be referred to a select committee of three, which was agreed to.

The Speaker appointed Messrs. Wells, Longstreet and Dewey said committee.

Mr. Wells was excused from serving on the committee, and Mr. Shew appointed in his place.

On motion of Mr. Jenkins,

Resolved, That the United States officers of this Territory, and all editors of newspapers in this Territory, are hereby invited to take seats within the bar of this House at pleasure.

On motion of Mr. Shew,

Resolved, That the thanks of this House be presented to the Hon. Ebenezer Childs, for the able and impartial manner in which he has discharged the duties of Speaker pro tem.

Mr. Sholes from the select committee appointed for that purpose, made the following report:

The select committee, appointed to prepare standing rules for the government of the House of Representatives during its present session, beg leave to report for adoption, the rules of the first session of the second Legislative Assembly, as they appear upon the journal, with the following amendments:

In the 18th rule, after the word "*resolution*" in the 4th line, insert the words, "*of the House;*" and after the word "*time,*" in the fifth line, insert the following: "And the final question upon every bill or resolution of the Council, that requires three readings, shall be, previous to being passed, 'Whether it shall be ordered to a third reading?'"

Strike out the 28th standing rule and insert in lieu thereof, "It shall be in order for the committee on enrolled bills to report at any time."

In the 31st standing rule, first line, between the words, "*assistant door-keeper,*" and "*messenger,*" insert the conjunction "*and;*" and in the second line, strike out the words "and assistant messenger."

Insert at the close of the 37th rule the following: "but no such call shall be entertained by the House unless sustained by a second."

The report was accepted and the committee discharged.

Mr. Street moved that the report be adopted.

Mr. Shackelford called for a division of the question.

The amendments to the 18th, 28th and 31st rules were then separately agreed to.

On the question of agreeing to the amendment of the committee to the 37th rule, the ayes and noes were called for by Mr. Shackelford, and were as follows:

Ayes—Messrs. Baldwin, Brunson, Childs, Craig, Hoyt, Longstreet, Ray, Story, Street, Wells and Whiton, speaker—11.

Noes—Messrs. Beardsley, Billings, Bracken, Conroe, Gruson, Dewey, Jenkins, McGregor, Newman, Shackelford, Shew, Sholes, Stevens and Sutherland—14.

So the amendment was disagreed to.

The report of the committee, as amended by the House, was then adopted.

The rules as amended and adopted by the House, are as follows:

STANDING RULES

FOR THE GOVERNMENT OF THE HOUSE OF REPRESENTATIVES.

I. The House of Representatives shall choose, by ballot, one of their own number to occupy the chair. He shall be styled Speaker of the House of Representatives. He shall hold his office during one session of the Legislative Assembly. He shall take the chair at the hour to which the House is adjourned, and call the members to order; and if a quorum be present, he shall direct the minutes of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House. In committee of the whole, he shall call some member to the chair, and may debate any question before the committee; but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the House, appoint all committees. He shall vote on a call of the ayes and nays. In the absence of the Speaker, the House shall appoint a Speaker pro tem.

II. Any member may have a call of the House, and have absent members sent for, in case a quorum shall not be present.

III. All questions shall be put in this form: "You who are of the opinion (as the case may be) say, Aye." "Those of the contrary opinion say, No." And in doubtful cases any member may call for a division.

IV. When a motion is made and seconded, it shall be stated by the member, or read by the clerk, previous to debate. If any member require it, all motions (except to adjourn, postpone or commit,) shall be reduced to writing. Any motion may be withdrawn by consent of the House, before decision or amendment.

V. Every member present when a question is put, shall vote, unless the House shall, for special cause, excuse him.

VI. A motion to adjourn shall always be in order, and shall be decided without debate, except that it cannot be received when the House is voting on another question, or while a member is addressing the House.

VII. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate and avoid personality.

VIII. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

IX. While the Speaker is putting any question, or addressing the House, none shall walk out of, or across the house, nor when a member is speaking, shall pass between him and the chair.

X. No member shall speak more than twice on any question, without leave of the House.

XI. When a question is under debate, no motion shall be received, unless to postpone, to lay on the table, to amend, to take the previous question, to commit, or to adjourn.

XII. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of any member, and until decided shall preclude all amendments under debate, of the main question.

XIII. Any member may call for a division of the question, when the same shall admit thereof.

XIV. No committee shall absent themselves by reason of their appointments, during the sitting of the House, without special leave.

XV. Every bill shall be introduced by motion for leave, or by order of the House on the report of a committee: In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill.

XVI. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third reading on the same day, without special order of the House.

XVII. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading without further question.

XVIII. All bills, on a second reading, shall be considered by the House, in committee of the whole, before it shall be taken up and considered by the House. The final question upon every bill or resolution of the House, that requires three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" And the final question upon every bill or resolution of the Council that requires three readings, shall be, previous to being passed, "Whether it shall be ordered to a third reading?" No bill or resolution that requires three readings, shall be committed or amended, until it shall have been twice read.

XIX. Amendments made in committee of the whole, shall not be read by the Speaker on his resuming the chair, unless requested by one or more of the members.

XX. When a question is lost on engrossing a bill for a third reading, on a particular day, it shall not preclude a question to engross it for a third reading on a different day; nor shall any subject be a second time re-considered without consent of the House. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

XXI. When a bill has been engrossed, the Speaker shall, at the time, previously appointed by the House, announce it as ready for a third reading, without question.

XXII. A bill or resolution may be committed at any time previous to its passsage; if any amendment be reported upon such commitment, by any other than a committee of the whole, the bill shall again be read a second time, and considered as in committee of the whole, and the question for its engrossment and third reading again put.

XXIII. In filling blanks, the largest sum and longest time shall be first put.

XXIV. When the House is equally dvided, in such case the question shall be lost.

XXV. When a motion or question has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

XXVI. All acts, addresses, and resolutions, shall be signed by the Speaker, and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, and attested by the clerk.

XXVII. Petitions, memorials, and other papers, addressed to the House, shall be presented by any member in his place: a brief statement of the contents thereof shall be made verbally by the member introducing the same; and shall not be debated or decided on the day of their being first read unless where the House shall direct otherwise; but shall lie on the table (to be taken up in the order they were read) or referred on motion, to a committee.

XXVIII. It shall be in order for the committee on enrolled bills to report at any time.

XXIX. After an examination and report, each bill shall be certified by the clerk, and by him transmitted to the Council: the day of transmission shall be entered on the Journal.

XXX. A chief clerk, and assistant clerk, and three transcribing clerks shall be appointed by ballot, to hold their places during the pleasure of the House. They shall take an oath for the true and faithful discharge of thir respective duties in office. The chief clerk, with the aid of his assistant, shall keep a correct journal of the daily proceedings; shall keep a calender of the order of business, and perform other duties appertaining to his office under the direction of the Speaker. He shall let no journal, records, accounts, or papers be taken from the table or out of his custody, other than by the regular mode of business of the House; and if any papers in his charge shall be missing, he shall make report to the Speaker, that it may be inquired into. The transcribing clerks shall record the journal of proceedings, engross, enrol, transcribe, and copy bills and resolutions, and generally perform the duties of transcribing clerks, under the direction of the clerk of the House.

XXXI. A serjeant-at-arms, door-keeper, assistant door-keeper and messenger, shall be appointed by ballot, to hold their offices during the pleasure of the House, whose duty it shall be to attend the House during its sitting, and to execute the commands of the Speaker and the House. They shall take an oath truly and faithfully to discharge their respective duties in office.

XXXII. When a message shall be sent from the Governor to the House, it shall be communicated to the chair, by the person by whom it may be sent.

XXXIII. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given by the members of the House.

XXXIV. No member or officer of the House shall be permitted to read the newspapers within the bar of the House, while the House is in session.

XXXV. The Speaker of the House is authorized and required to administer all oaths prescribed by these rules.

XXXVI. Every resolution read (by the Clerk) by direction of a member shall be considered to be before the House. And the question to adopt or reject, may be immediately put on such resolution, unless upon motion of a member, the same be laid on the table.

XXXVII. It shall be competent for any member, when a question is taken, to call for the ayes and noes, which shall be recorded by the clerk.

XXXVIII. No standing rule or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended except by a vote of at least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed except by a vote of at least two-thirds of the members present.

XXXIX. All bills brought into the House by any member or committee, shall be endorsed with the name of the member or committee, bringing in the same.

XL. When a member is called to order, he shall sit down until the Speaker shall have determined whether he is in order or not, and every question of order shall be decided by the Speaker, subject to an appeal to the House by any two members; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the Speaker and House may be better enabled to judge of the matter.

XLI. The standing committees of the House shall consist of five members each, and be as follows:

On the Judiciary.
On Schools.
On Internal Improvements.
On the Militia.
On Finances of the Territory.
On Corporations.
On Claims.
On enrolled Bills.
On Expenses.
On Agriculture and Manufactures.
On Engrossed Bills.
On Roads.
On Territorial Affairs.

XLII. The stated time of meeting for the transaction of business, shall be at ten o'clock A. M.

The following message was received from the Council by their Secretary:

"Mr. Speaker—The Council have appointed Messrs. Prentiss, Martin and Janes, the committee on their part, to act in conjunction with the committee appointed by this House, to report a set of joint rules and orders for the government of the Legislative Assembly during its present session."

And then he withdrew.

The Speaker announced the appointment of the following standing committees:

On the Judiciary—Messrs. Wells, Dewey, Shackelford, Story and Blackstone.

On Schools—Messrs. Bracken, Cruson, Newman, Craig and Baldwin.

On Internal Improvements—Messrs. Longstreet, Ray, Brunson, Street and Beardsley.

On the Militia—Messrs. Jenkins, Craig, Shew, Sutherland and Hoyt.

On Finance—Messrs. Conroe, Childs, Stevens, Billings and McGregor.

On Corporations—Messrs. Street, Shew, Sholes. Blackstone and Jenkins.

On Claims—Messrs. Ray, Billings; Bracken, Beardsley and Wells.

On Enrolled Bills—Messrs. Sholes, Cruson, Longstreet, Conroe and Stevens.

On Expenses—Messrs. Story, Hoyt, McGregor, Sutherland and Childs.

On Agriculture and Manufactures—Messrs. Newman, Beardsley, Brunson, Stevens and Shew.

On Engrossed Bills—Messrs. Childs, Baldwin, Dewey, Brunson and Ray.

On Roads—Messrs. Dewey, Hoyt, Sutherland, Jenkins and Craig.

On Territorial Affairs—Messrs. Shackelford, Wells, Baldwin, Cruson and Street.

On motion of Mr. Sholes,

The House resolved itself into the committe of the whole, for the consideration of the Governor's message, Mr. Sholes in the chair.

After some time the committee rose and made the following report, which, on motion of Mr. Childs, was adopted.

1. *Resolved*, That so much of the Governor's message as relates to the admission of this Territory, as one of the independent states of this Union, be referred to a select committee consisting of one from each election district.

2. *Resolved*, That so much of the message as refers to memorializing Congress, for an appropriation for the erection of a penitentiary in Wisconsin, be referred to a committee of three.

3. *Resolved*, That so much of the message as relates to an amendment of the Execution laws of the Territory be referred to the committee on the judiciary.

4. *Resolved*, That so much of the message as refers to memorializing Congress for appropriations to aid in internal improve-

ments in the Territory, be referred to the committee on internal improvements.

5. *Resolved,* That so much of the Governor's message as refers to memorializing Congress for appropriations for harbors on lake Michigan, be referred to a select committee.

6. *Resolved,* That so much of the Governor's message as refers to the removal of the Winnebago Indians, be referred to a select committee of three.

7. *Resolved,* That so much of the Governor's message as relates to an alteration of the militia laws of the Territory, be referred to the committee on the militia.

8. *Resolved,* That so much of the Governor's message as relates to the University lands, be committed to a select committee of three.

9. *Resolved,* That so much of the Governor's message as refers to banks, be referred to the committee on corporations.

10. *Resolved,* That so much of the Governor's message as refers to the public buildings, be referred to a select committee of three.

11. *Resolved,* That so much of the Governor's message as relates to the granting of pre-emption rights to miners, be referred to a select committee of three.

12. *Resolved,* That so much of the Governor's message as relates to the occupants on the even numbered sections within the canal limits, be referred to a select committee of three.

13. *Resolved,* That so much of the Governor's message as refers to the Rock river and Milwaukee canal, be referred to the committee on internal improvements.

14. *Resolved,* That so much of the Governor's message as relates to the currency of the Territory, be referred to a committee of three.

15. *Resolved,* That so much of the Governor's message as refers to roads, be referred to the committee on roads.

On motion of Mr. Childs,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Billings offered the following resolution:

Resolved, That the committee on Territorial affairs be instructed to enquired into the expediency of bringing in a bill to provide for the removal of the seat of government.

Mr. Conroe moved the following amendment, which was agreed to.

Add to the said resolution the following words:

"And also to inquire into the expediency of converting the present public buildings into a penitentiary."

Mr. Sutherland called for the ayes and noes on the passage of the resolution, which were as follows:

Ayes—Messrs. Brunson, Childs, Conroe, Craig, Hoyt, Jenkins, McGregor, Newman and Wells—9.

Noes—Messrs. Baldwin, Beardsley, Billings, Bracken, Cruson, Dewey, Longstreet, Ray, Shackelford, Shew, Sholes, Stevens, Story, Street, Sutherland, and Whiton, speaker—16.

So the resolution was not adopted.

Mr. Shew moved to adjourn until Monday next, and the question being taken, and the ayes and noes called for by Mr. Story,

It was decided in the affirmative.

Ayes—Messrs. Billings, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Street and Whiton, speaker—15.

Noes—Messrs. Baldwin, Beardsley, Conroe, Hoyt, Jenkins, Sholes, Stevens, Story, Sutherland and Wells—10.

So the House adjourned until Monday next, at 10 o'clock A. M.

MONDAY, December 9, 1839.

The Speaker announced the appointment of the following select committees, to which portions of the Governor's message were referred, viz:

Under the 1st resolution, Messrs. Shackelford, Longstreet, Hoyt, Beardsley, Sutherland, Jenkins, Street and Brunson.

2d. Messrs. Sholes, McGregor and Ray.
5th. Messrs. Wells, Newman and Conroe.
6th. Messrs. Brunson, Baldwin and Bracken.
8th. Messrs. Childs, Stevens and Longstreet.
10th. Messrs. Cruson, Shew and Jenkins.
11th. Messrs. Billings, Bracken and Craig.
12th. Messrs. Story, Wells and Hoyt.
14th. Messrs. Baldwin, Dewey and Childs.

The following petitions, memorials and remonstrances were presented and referred, viz:

By Mr. Ray: The petition of inhabitants of the Territory, for a road leading from the twenty-three mile stake in the Territorial road from Milwaukee to Janesville, via Eagle Prairie and Fort Atkinson, to Madison.

Referred to the standing committee on roads.

By Mr. Wells: The petition of the inhabitants of Racine and Milwaukee counties, for the location of a road from Racine to intersect the road leading from Milwaukee to Madison, at or near Prairie Village; and, also, for the location of a road from Walker's Point, in Milwaukee, to intersect the Territorial road leading from Racine to the Mississippi, at or near the west side of Wind Lake, in Racine county.

Referred to the committee on roads.

By Mr. Wells: The petition of inhabitants of township eight, range twenty-one east, in Milwaukee county, praying for the organization of said township into a separate town to be called Granville.

Referred to the committee on corporations.

By Mr. Brunson: The petition of citizens of Crawford county, in relation to the military reservation at Fort Snelling—the petition of the same praying for the passage of a law regulating claims upon public lands—the petition from the half breeds of the Sioux nation of Indians, in relation to the division of their lands on the Upper Mississippi—and the petition of Joseph R. Brown and others, praying for certain ferry charters.

All which were referred to a select committee, consisting of Messrs. Brunson, Shew and Sutherland.

By Mr. Beardsley: The remonstrance of inhabitants of the Territory of Wisconsin against the location of a road commencing at the twenty-three mile stake on the road leading from Milwaukee to Janesville, and running from thence to Fort Atkinson.

Referred to the committee on roads.

By Mr. Shackelford: The petition of inhabitants residing on lands purchased of the Sioux and Chippewa Indians, praying for the organization of a new county.

Referred to the committee on Territorial affairs.

By Mr. Longstreet: The memorial of the Milwaukee and Rock river canal company.

Which was, on motion of Mr. Wells,

Ordered to be laid on the table.

By Mr. Sholes: The petition of citizens of Navarino and Astor, praying for the repeal of the act incorporating the town of Green Bay.

Referred to a select committee consisting of Messrs. Childs, Conroe, Shackelford and Sholes.

By Mr. Ray: The petition of inhabitants of the town of Mentor, in the county of Milwaukee, praying that the name of said town may be changed to New Berlin.

Referred to the committee on corporations.

Mr. Wells offered the following resolutions, which were adopted:

Resolved, That the officers of the Milwaukee and Rock river canal company, be requested to report to this House, as soon as may be, upon the following points:

1st. That the President state, under oath, the quantity of land given by individuals in consideration of the location and termination of said canal at different points upon the route, to whom, and to whose benefit said lands were donated.

2d. That the Secretary of said company state, on oath, the amount of capital stock taken, the amount actually paid in, by whom it was taken, the names of the present holders and the amounts held by each; also state, on oath, the number of officers created by said company, by whom held, and the compensation allowed to each of said officers and to each member of said company during the past year.

3d. That the Treasurer of said company state, on oath, the amount and kind of money actually paid and now in his hands.

Resolved, That the chief clerk transmit a copy of these resolutions to each of said officers.

Mr. Shackelford offered the following preamble and resolutions, which were read, and,

On motion of Mr. Bracken,

Ordered to be laid on the table for the present, viz:

Whereas Moses M. Strong, United States Attorney for this Territory, was appointed by the Legislature at its session commencing on the 26th of November, A. D. 1838, fiscal agent of the Legislative Assembly, and authorized to borrow the sum of fifteen thousand dollars, and to pledge the faith of the Territory for the payment thereof; and whereas it appears by the report of the said Strong to the Legislature that he borrowed of Messrs. Collier & Pettus, of St. Louis, the above mentioned sum, and pledged the faith of the Territory for the payment thereof;

Resolved, therefore, That said Strong be requested to report to this House, as soon as practicable, what amount of monies were disbursed by him as such agent, what amount was paid over to the Secretary of the Territory, what amount has been received by him for the purpose of cancelling said debt of the Territory, what part of said amount, if any, was invested by him in lead, and what has been the result of such investment, whether said debt of the Territory has been paid, and when; and if not paid, what amount remains unpaid.

Resolved, That the chief clerk of this House be requested forthwith to transmit to said Strong a copy of these resolutions.

Mr. Bracken, by leave, introduced resolution No. 2, entitled, "Resolution to enquire into the expediency of memorializing Congress to impose a duty on imported lead."

Which was read the first and second time.

Mr. Shew laid before the House the report of the Commissioners of Public Buildings, and moved that it be laid on the table and 500 copies ordered to be printed.

Which was agreed to.

(For report, see Appendix, Document D.)

Message from the Council, by the Secretary thereof:

"Mr. Speaker—The Council have adopted the joint rules and orders for the government of the two Houses, as reported by the joint committee appointed for that purpose; and have negatived Resolution No. 1, of this House, entitled 'Joint Resolution relative to the transportion of the mail.'

"I am directed to inform you that the Hon. James Collins, of Iowa county, has been elected President of the Council."

And then he withdrew.

Mr. Shackelford, by leave, introduced bill No. 1, entitled,

"A bill to establish a Territorial road from Madison to Frankfort, in Dodge county."

Which was read a first and second time.

Mr. Shackelford moved that the preamble and resolutions relating to the loan made by Moses M. Strong, fiscal agent of the Territory, be now taken up and considered; and the ayes and noes being called for by Mr. McGregor, on the said motion, were as follows:

Ayes—Messrs. Beardsley, Childs, Craig, Hoyt, McGregor, Newman, Shackelford, Sholes, Stevens and Story—10.

Noes—Messrs. Baldwin, Billings, Bracken, Brunson, Conroe, Cruson, Dewey, Jenkins, Longstreet, Ray, Shew, Street, Sutherland, Wells and Whiton, speaker—15.

So the motion was lost.

Mr. Wells, from the joint committee of the two Houses, appointed to report a set of joint rules and orders for the government of the two Houses during its present session, reported the following:

JOINT RULES AND ORDERS

OF THE TWO HOUSES.

1st. In every case where an amendment of a bill agreed to in one House, shall be dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committee shall at a convenient hour to be agreed upon by their Chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for or against the amendment, and confer freely thereon.

2d. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House, by the door-keeper, and shall be respectfully communicated to Chair by the person by whom it may be sent.

3d. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4th. Messages shall be sent by such persons as a sense of propriety in each House may determine to he proper.

5th. After a bill shall have passed both Houses, it shall be duly enrolled by one of the transcribing clerks, under the direction of the secretary of the Council, or chief clerk of the House of Representatives, as the bill may have originated in one or the other House, before it shall be presented to the Governor for his approval.

6th. When a bill is duly enrolled, it shall be examined by a joint committee of two from each House, appointed for that purpose, who shall carefully compare the enrolled with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the respective Houses.

7th. After examination and report, each bill shall be signed in the respective Houses, first by the speaker of the House of Representatives, then by the president of the Council.

8th. After a bill shall have been signed in each House, it shall be presented by the said committee to the Governor for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the chief clerk of the House, or the Secretary of the Council, as the bill may have originated in the one or the other House, and the said committee shall report the day of presentation to the Governer, which shall be entered on the journal of each House.

9th. All orders, resolutions and votes which are to be presented to the Governor for his approval, shall also in the same manner be previously enrolled, examined and signed, and then be presented in the same manner, and by the same committee, as is provided in the case of bills.

10th. When a bill or resolution, which shall have passed in one House is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11th. When a bill or resolution, which has been passed in one House is rejected in the other, it shall not be again brought in during the same session without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12th. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

13th. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14th. No bill that shall have passed one House shall be sent to the other for concurrence on the last day of the session.

15th. No bill or resolution that shall have passed the Council and House of Representatives, shall be presented to the Governor for his approval on the last day of the session.

The report was accepted and the committee discharged.

On motion of Mr. Sholes,

The joint rules and orders, as reported by the committee, were unanimously adopted.

Ordered, That the clerk acquaint the Council therewith.

Mr. Street gave notice that on some future day he should ask leave to introduce a bill to amend an act entitled, "An act to provide for and regulate general elections."

Mr. Longstreet gave notice, that on some future day he would ask leave to introduce bills of the following titles, to wit:

"A bill to amend an act relating to roads and highways."

"A bill to amend an act concerning the tenure of real estate;" and

"A bill to amend the Milwaukee town charter."

On motion of Mr. Street,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Billings offered the following resolution, which was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of bringing in a bill to incorporate into the statutes of Wisconsin, the words which have been added to them by the person appointed to superintend their publication; and, also, to expunge the superfluous words which have been enclosed in parenthesis, and printed in italics.

Mr. Sholes offered the following resolution, which was adopted:

Resolved, That fifty copies of the joint rules of the Legislative Assembly, and standing rules of the House of Representatives, together with the standing committees, be printed in pamphlet form for the use of this House.

Mr. Shackelford moved that the preamble and resolutions relating to the fiscal agency of Moses M. Strong, be now taken up and considered.

Which motion was decided in the negative.

The Speaker announced the appointment of Messrs. Shackelford and Longstreet a committee on the part of this House, on enrolled bills, under the 6th of the joint rules.

Mr. Conroe, by leave, introduced resolution No. 3, entitled,

"Joint resolution relating to printing reports and other documents made to both Houses."

Which was read the first and second time.

On motion of Mr. Beardsley,

The House resolved itself into the committee of the whole, on said resolution, Mr. Shew in the chair. After a short time the committee rose and reported the resolution without amendment, which was accepted by the House.

Mr. Sholes offered the following amendment to the resolution, which was agreed to.

Strike out all after the word resolved, and insert the following:

"By the Council and House of Representatives, that whenever any reports of a joint committee or other documents shall be presented to both Houses of the Legislative Assembly: the House first acting upon the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject."

On motion of Mr. Sholes,

The said resolution was passed and ordered to be sent to the Council for concurrence, the rules being suspended for that purpose.

On motion of Mr. Billings,

The House adjourned.

TUESDAY, December 10, 1839.

On motion of Mr. Conroe,

The House resolved itself into a committee of the whole, Mr. Cruson in the chair, having under consideration a bill and resolution of this House, of the following titles, to wit:

Bill No. 1, "A bill to establish a Territorial road from Madison to Frankfort, in Dodge county;" and resolution

No. 2, "Resolution to enquire into the expendiency of memorializing Congress to impose a duty on imported lead."

After some time the committee rose, and by their Chairman reported the bill and resolution back to the House without amendments; which report was agreed to, and the said bill and resolution were ordered to be engrossed for the third reading.

Mr. Sholes, from the joint committee appointed to call upon the several printers at the seat of government, for the purpose of making such inquiries in relation to the price of labor, materials, &c., as would enable the Assembly to determine as to the proper compensation to be allowed for the Legislative printing, made the following report:

"Immediately after their appointment the committee addressed communications to the printers at Madison, the answers to which have been submitted to the Council. From an examination of the statements of J. A. Noonan, Esq., editor of the Wisconsin Enquirer, the committee have been able to form an estimate, taking the Michigan rates for a standard, which they believe to be a fair one, in relation to a proper compensation to be allowed for the Legislative printing; and therefore offer for the consideration of the Assembly, the following resolutions:

Resolved, By the Council and House of Representatives, that a joint committee, consisting of three on the part of each House, be appointed to contract for the printing of the Legislative Assembly, at its present session, at a price not exceeding seventy-five cents per thousand ems, for the composition; and ninety-five cents per token, of one hundred and twenty-five sheets, for press work, inclusive of all charges—the press work when less than sixty-three sheets to be charged only as half a token, and when over sixty-three sheets to be charged as a token.

Resolved, further, That the committee to be appointed, in pursuance of the foregoing resolution, shall be a committee on printing, whose duty it shall be to keep regular files of all the slips, documents, &c., printed for the use and by the order of either House. To this committee shall be referred all accounts for printing, upon which they shall be required to report before such accounts are passed upon by the Legislative Assembly.

Resolved, further, That the prices prescribed in the first resolution, shall be the compensation to be allowed for the printing already done by order of the two Houses, at the present session.

On motion of Mr. Sholes,

The said report was laid on the table.

On motion of Mr. Childs,

The report of the commissioners on public buildings was referred to the select committee, to which that portion of the Governor's message was referred that relates to public buildings, consisting of Messrs. Cruson, Shew and Jenkins.

Mr. Wells offered the following resolution, which was adopted:

Resolved, That the select committee on public buildings, in their examination of matters embraced in the report of the commissioners on public buildings, be authorized to send for persons and papers, and to administer oaths.

Mr. Wells, by leave, introduced joint resolution No. 4, relating to the appointment of a joint committee to examine into the account of Edward V. Whiton, appointed to superintend the publication of the laws of the Territory.

Which was read a first and second time.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Street in the chair, having under consideration the said resolution.

After a short time the committee rose and reported the resolution back to the House without amendment, which report was agreed to.

On motion of Mr. Sholes,

So much of the 16th and 18th of the standing rules of this House as prohibits the reading of any bill the second and third time on the same day, and also requiring all bills to be engrossed previous to the third reading, was suspended; and the resolution was read a third time and passed.

On motion of Mr. Wells,

The resolution was entitled as follows: "Resolution relative to settlement of the accounts of the agent appointed to procure and superintend the publication of the Revised Statutes of Wisconsin."

Ordered, That the Council be requested to concur in the said resolution.

Message from the Council by their secretary:

"Mr. Speaker—Messrs. Wells and Vineyard have been appointed the committee on enrolments on the part of the Council, under the 6th of the joint rules and orders for the government of the two Houses.

"I have been directed by the Council to present, for the information of this House, the several documents accompanying the report of the joint committee in relation to printing."

And then he withdrew.

Mr. Street offered the following resolution:

Resolved, That the Attorney-General of the Territory be requested to report to this House what legal steps he has taken against the Bank of Wisconsin, and the condition of said bank.

Mr. Sholes moved the following amendment, which was agreed to.

Strike out the words "the condition of said bank," and insert the following words:

"Also, such information as he may receive in relation to the condition of the institution from the receiver appointed by the court."

The resolution was then adopted.

Mr. Street, by leave, introduced bill No. 2, entitled "A bill to amend an act entitled an act to provide for and regulate general elections," approved March 7, 1839.

Which was read the first and second time.

On motion of Mr. Street,

The House resolved itself into the committee of the whole for the consideration of said bill, Mr. Brunson in the chair.

After a short time the committee rose and reported the progress made therein, and asked leave to sit again on Friday next.

Leave was granted.

Mr. Childs, from the committee on engrossed bills, reported to be correctly engrossed, bill No. 1, entitled

"A bill to establish a Territorial road from Madison to Frankfort in Dodge county."

The said bill was then announced for the third reading, and was read the third time, passed and the title thereof agreed to.

Ordered, That the Council be requested to concur in the said bill.

Mr. Beardsley gave notice, that on some future day he should ask leave to introduce a bill relative to the duties of Register of deeds of Rock county.

On motion of Mr. Baldwin,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Bracken offered the following resolution:

Resolved, That the Speaker of the House of Representatives be requested to invite any such minister of the gospel resident at, or who may visit Madison during the present session of the Legislature, as he may deem proper, to open the morning session of this House with prayer.

Mr. McGregor called for the ayes and noes on the question to agree to the resolution, which were as follows:

Ayes—Messrs. Bracken, Brunson, Conroe, Craig, Cruson, Dewey, Hoyt, Ray, Sholes, Stevens, Street and Whiton, speaker —12.

Noes—Messrs. Baldwin, Beardsley, Billings, Jenkins, McGregor, Newman, Shackelford, Shew and Sutherland—9.

So the resolution was adopted.

Mr. McGregor moved a call of the House, which was ordered, and the absent members sent for.

Mr. Sholes moved a reconsideration of the vote adopting the resolution offered by Mr. Bracken.

Mr. Bracken moved a postponement of the motion until the House shall be full, which motion was lost.

The question then recurred on reconsidering the vote adopting the resolution offered by Mr. Bracken, and the ayes and noes being called for, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Brunson, Childs, Cruson, Jenkins, McGregor, Newman, Ray, Shackelford, Shew, Sutherland and Wells—14.

Noes—Messrs. Bracken, Conroe, Craig, Dewey, Hoyt, Sholes, Stevens, Street and Whiton, speaker—9.

So the said vote was reconsidered.

Mr. Baldwin moved the indefinite postponement of the resolution and the ayes and noes being called for, were as follows;

Ayes Messrs. Baldwin, Beardsley, Billings, Childs, Dewey, Jenkins, McGregor, Newman, Shackelford, Shew, Sutherland and Wells—12.

Noes—Messrs. Bracken, Brunson, Conroe, Craig, Cruson, Hoyt, Ray, Sholes, Stevens, Street and Whiton, speaker—11.

So the resolution was indefinitely postponed.

Mr. Childs, from the committee on engrossed bills, reported the following resolution to be correctly engrossed, viz:

No. 2, "Resolution to enquire into the expediency of memorializing Congress to impose a duty on imported lead."

The said resolution was then announced for the third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

Mr. Conroe gave notice, that on some future day he should ask leave to introduce a bill to amend the act in relation to strays.

On motion of Mr. Shew,

The House adjourned.

WEDNESDAY, December 11, 1839.

Mr. Dewey offered the following resolution, which was adopted:

Resolved, That the committee on Territorial affairs be instructed to inquire into the expediency of memorializing Congress to change the western termination of the road authorized by that body to be laid out and opened from Racine by Janesville, to Sinipee on the Mississippi, from Sinipee, to some point on the Mississippi; or further, to inquire into the expediency of branching said road from or near the fourth principal meridian, to terminate north of the mouth of Platte river.

Mr. Brunson, from the select committee to which was referred the petition from citizens of Crawford county, in relation to the Military Reservation at Fort Snelling, and the petition from the half-breeds of the Sioux nation of Indians, in relation to the division of their lands on the Upper Mississippi, reported the following preambles and resolutions, viz:

Preamble and resolution No. 5, entitled

"Resolution in relation to the half-breed lands on Lake Pepin;"

And preamble and resolution No. 6, entitled

"Resolution relative to the extension of the Military Reservation at Fort Snelling to the east side of the Mississippi river."

Which were severally read a first and second time.

On motion of Mr. Brunson,

The House resolved itself into the committee of the whole, on said resolutions, Mr. Billings in the chair.

After some time the committee rose and by their chairman, reported the said resolutions to House without amendment, which report was agreed to, and the resolutions severally ordered to be engrossed and read a third time.

Mr. Shew, by leave, introduced resolution No. 7, entitled

"Resolution relative to the committees on public buildings."

Which was read a first and second time.

On motion of Mr. Sholes,

The House went into committee of the whole on said resolution, Mr. Baldwin in the chair.

After some time the committee rose and by their chairman, reported the said resolution to the House with an amendment, which was agreed to and the resolution ordered to be engrossed and read a third time.

Mr. Beardsley, on leave, introduced bill No. 3, entitled

[illegible]

"A bill relating to the duties of the register of deeds of the county of Rock."

Which was read a first and second time.

On motion of Mr. Dewey,

The said bill was referred to a select committee, to consist of one member from each election district.

The Speaker appointed Messrs. Dewey, Bracken, Ray, Hoyt, Childs, Beardsley, Sutherland and McGregor, said committee.

On motion of Mr. McGregor,

The House adjounred until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Baldwin, from the committee on engrossed bills, reported resolutions with the following titles to be correctly engrossed, viz:

No. 5, "Resolution in relation to the half-breed lands on Lake Pepin."

No. 6, "Resolution relative to the extension of the military reserve at Fort Snelling to the east side of the Mississippi river."

And, No. 7, "Resolution relative to the committees on public buildings."

On motion of Mr. Sholes,

The rule which prohibits bills from being read a second and third time the same day was suspended, with reference to said resolutions, and they were severally read a third time, passed, and titles agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Cruson,

The House adjourned.

THURSDAY, December 12, 1839.

Mr. Beardsley presented the petition of F. Chickering and others, praying that commissioners be appointed to locate and establish a road from the point where the Milwaukee and Janesville road crosses the line between towns three and four in range sixteen, to intersect the Janesville and Watertown road.

Which was read and referred to the committee on roads.

Mr. Baldwin offered the following resolution:

Resolved, That the committee on the judiciary, who have been instructed, by a previous resolution of this House, to enquire into the expediency of bringing in or reporting a bill to incorporate into the Statutes of Wisconsin the words which have been added or supplied to them by the person appointed to superintend their publication, and also to expunge the superfluous words which have been enclosed in parenthesis and printed in italic; be further instructed to compare the enrolled bills, both of a local and general nature, now on file in the office of the Secretary of the Territory, with the printed laws, and to report to this House any discrepancies that may be found therein.

Mr. Story called for the ayes and noes, on the passage of the resolution, which were as follows: ayes 7, noes 14.

Those voting in the affirmative were, Messrs. Baldwin, Beardsley, Bracken, Billings, Craig, Jenkins and Shackelford.

Those voting in the negative were, Messrs. Childs, Conroe, Cruson, Hoyt, McGregor, Newman, Ray, Shew, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker.

So the resolution was not adopted.

Mr. Shackelford moved that the resolution introduced by him, on the 9th inst., relating to the fiscal agency of Moses M. Strong, Esq., and which was laid on the table for the further consideration of this House, be now taken up and considered; and the ayes and noes being called for by Mr. Shackelford, there were ayes 15, noes 8.

Those voting in the affirmative were, Messrs. Baldwin, Childs, Conroe, Cruson, Craig, Dewey, Hoyt, McGregor, Newman, Ray, Shackelford, Sholes, Stevens, Story and Sutherland.

Those voting in the negative were, Messrs. Beardsley, Billings, Bracken, Jenkins, Shew, Street, Wells and Whiton, speaker.

So the House decided to take up and consider the said resolution.

Mr. Wells moved to amend the preamble and resolution by striking out the words "United States Attorney for this Territory," in the first and second lines, and also, all after the word "Territory," in the twenty-first to the word "whether," in the twenty-fourth line.

A division of the question being called for by Mr. Childs, the question recurred on striking out the words "United States Attorney for this Territory," and the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Bracken, Childs, Conroe, Craig, Dewey, Hoyt, Jenkins, McGregor, Newman, Ray, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—21.

Noes—Messrs. Cruson and Shackelford—2.

So the amendment was adopted.

On motion of Mr. Conroe,

A call of the House was ordered, and the serjeant-at-arms was sent after absent members.

On motion of Mr. Childs,

Mr. Longstreet was excused from attendance in the House, in consequence of illness.

The serjeant-at-arms having reported that the absent member could not be found, the question on the second amendment was then taken.

Mr. Shackelford called for the ayes and noes on said amendment, which were as follows:

Ayes—Messrs. Billings, Conroe, Hoyt, Jenkins, Newman, Ray, Street, Wells and Whiton, speaker—9.

Noes—Messrs. Baldwin, Beardsley, Bracken, Childs, Craig, Cruson, Dewey, McGregor, Shackelford, Shew, Sholes, Stevens, Story and Sutherland—14.

So the amendment was not adopted.

The question then recurred on the passage of the resolution as amended; and the ayes and noes being called for, by Mr. Shackelford, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Bracken, Childs, Craig, Cruson, Dewey, Jenkins, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Street, Sutherland and Wells.

Noes—Messrs. Conroe, Hoyt and Whiton, speaker.

So the resolution was passed.

Mr. Sholes, by leave, introduced resolution No. 8, entitled "Resolution relative to the distribution of the local laws."

Which was read a first and second time.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following, in which they ask the concurrence of this House, viz:

"Bill No. 1, 'A bill to legalize the proceedings of the county commissioners of Crawford county therein referred to.'

"Resolution No. 2, 'Resolution relating to public printing.'

"And have concurred in resolutions of this House, as follows, viz:

"No. 3, 'Joint resolution relating to printing reports and other documents made in both Houses.'

"No. 5, 'Resolution in relation to the half-breed lands on Lake Pepin.'

"No. 6, 'Resolution relative to the extension of the military reserve, at Fort Snelling, to the east side of the Mississippi river.'"

And then he withdrew.

On motion of Mr. Story,

A bill and resolution from the Council were then taken up and read a first and second time, entitled as follows:

No. 1, "A bill to legalize the proceedings of the county officers of Crawford county therein referred to."

No. 2, "Resolutions relating to public printing."

Mr. Childs moved that the House do now adjourn until 3 o'clock P. M.

And the ayes and noes being called for, were as follows:

Ayes—Messrs. Beardsley, Bracken, Cruson, Hoyt, McGregor, Shackelford, Stevens, Story, Sutherland and Wells—10.

Noes—Messrs. Baldwin, Billings, Childs, Conroe, Craig, Dewey, Jenkins, Newman, Ray, Shew, Sholes, Street and Whiton, speaker—13.

So the motion was lost.

On motion of Mr. Childs,

The House adjourned.

FRIDAY, December 13, 1839.

Mr. Sholes presented the petition of citizens of Jefferson county, praying that James L. Thayer, and others, be authorized to construct a dam across the west branch of Rock river, in town seven north, range fourteen east, and moved that the same be read and referred to a select committee.

Which was agreed to.

Messrs. Sholes, Sutherland and Story, were appointed said committee.

Mr. Brunson offered the following resolution, which was adopted:

Resolved, That the committee on internal improvement be instructed to report for the consideration of this House, a memorial to the Secretary of War, praying for the construction of a military road leading from Green Bay to Fort Snelling.

Mr. Brunson, from the select committee, to which was referred the petition of Joseph R. Brown, and others, praying for certain ferry charters, reported bill No. 4, entitled

"A bill to establish certain ferry charters therein named."

Which was read a first and second time.

Mr. Shackelford, from joint committee on enrolled bills, reported resolutions, of this House, with the following titles to be correctly enrolled, viz:

No. 3, "Joint resolution relating to printing reports and other documents made to both Houses."

No. 5, "Resolution in relation to the half-breed lands on Lake Pepin."

No. 6, "Resolution relative to the extension of the military reserve, at Fort Snelling, to the east side of the Mississippi river."

The said resolutions were then severally presented to, signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Shackelford, from the committee on Territorial affairs, reported bill No. 5, entitled

"A bill to organize the county of St. Croix."

Mr. McGregor gave notice that he should, on some future day, ask leave to introduce a bill to amend an act, entitled

"An act for assessing and collecting county revenue."

Mr. Street moved to reconsider the vote taken yesterday on the passage of the resolution relating to the fiscal agency of Moses M. Strong, Esq.

And the ayes and noes being called for on the question to reconsider, there were ayes 18, noes 7.

Those voting in the affirmative were, Messrs. Baldwin, Billings, Brunson, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Shew, Story, Street, Sutherland, Wells and Whiton, speaker.

Those voting in the negative were, Messrs. Beardsley, Bracken, Childs, McGregor, Shackelford, Sholes and Stevens.

So the House reconsidered the vote adopting the said resolution.

Mr. Childs offered the following resolution, which was agreed to.

Resolved, That the Governor of this Territory be requested to report to this House any information in his possession relative to the fiscal agency of Moses M. Strong.

Mr. Jenkins moved to amend the resolution relating to the fiscal agency of Moses Mr. Strong, Esq., as follows:

Strike out all of the last resolution and insert the following:

And whereas the Hon. James D. Doty, our present delegate in Congress, was heretofore elected treasurer of the commissioners on public buildings, and whereas the said Doty, as such treasurer, has received the sum of forty thousand dollars, the sum appropriated by Congress for the erection of public buildings in this Territory; and whereas divers rumors are in circulation re-to the manner in which said money has been expended, therefore,

"*Resolved*, That the said James D. Doty, be requested to report to this House, as soon as practicable, whether any portion of said appropriation, has been by him, or others to his knowledge, invested in lead, bank stock or merchandize, or in the erection of dwelling-houses, stores, taverns, shops, offices or steam mills, at Madison, and if so, what amount has been appropriated to each of these objects, together with the result of such investments; and whether the old board of commissioners and James Morrison, contractor, are in partnership in the erection of said public buildings, and other speculating operations.

"*Resolved*, That the chief clerk of this House be requested to transmit copies of these resolutions to the Hon. James D. Doty and Moses M. Strong, Esq."

Mr. Bracken moved to amend the amendment offered by Mr. Jenkins, by striking out the following words, "our present delegate in Congress."

Which was agreed to.

Mr. Billings moved that the resolution and the amendment be laid on the table, and be made the order of the day for Monday next, and the question being taken

It was decided in the affirmative. Ayes 12, noes 10.

So the resolutions were made the order of the day for Monday next.

Mr. Ray gave notice, that on some future day he should ask leave to introduce a bill providing for laying out and establishing a certain Territorial road.

On motion of Mr. Billings,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

On motion of Mr. Wells,

Resolved, That sixty-two copies of the proceedings of this House shall be printed daily on slips; and that the same number of all bills and other documents, which it may be thought necessary to have printed, shall be ordered unless otherwise determined.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole; Mr. Conroe in the chair, for the consideration of bill No. 2, entitled

"A bill to amend an act entitled an act to provide for and regulate general elections," approved March 7th, 1839.

After some time the committee rose and reported the bill to the House without amendment.

The said bill was then, on motion of Mr. Sholes, laid on the table for the present.

Mr. Cruson, by leave, introduced bill No. 6, entitled

"A bill to amend an act entitled 'an act concerning strays.'"

Which was read the first and second time.

Message from the Council by the secretary thereof:

"Mr. Speaker—The Council have concurred in the resolution (No. 4) of this House, entitled

"'Resolution relative to settlement of the accounts of the agent appointed to procure and superintend the publication of the Revised Statutes of Wisconsin.'"

And then he withdrew.

On motion of Mr. Brunson,

The House resolved itself into the committee of the whole, for the consideration of a bill and resolutions of the following titles, Mr. Billings in the chair, viz:

No. 1, "A bill to legalize the proceedings of the county officers of Crawford county therein referred to."

No. 2, "Resolution relating to the public printing."

No. 8, "Resolution relative to the distribution of the local laws."

After some time the committee rose and reported bill No. 1, and resolution No. 8, without amendment, and asked leave to sit again on resolution No. 2.

Which was agreed to.

Mr. McGregor moved that bill No. 1, entitled "a bill to legalize "the proceedings of the county officers of Crawford county therein referred to," be indefinitely postponed.

And pending the question thereon,

On motion of Mr. Baldwin,

The House adjourned.

SATURDAY, December 14, 1839.

The Speaker announced the appointment of Messrs. Bracken and Childs, of the joint committee, on the part of the House, under the resolution of the two Houses, of the following title, to wit :

No. 4, "Resolution relative to the settlement of the accounts of the agent appointed to procure and superintend the publication of the Revised Statutes of Wisconsin."

Ordered, That the Council be acquainted therewith.

Mr. Longstreet presented petitions of citizens of the county of Milwaukee, and other documents, relating to the construction of a dam across the outlet of Pewaukee Lake ; and moved that the same be referred to the committee to which similar petitions were referred on the 6th inst.

The ayes and noes being called on the question, shall the petitions be so referred ?

It was decided in the affirmative, ayes 17, noes 6.

Those voting in the affirmative were, Messrs, Baldwin, Beardsley, Billings, Brunson, Childs, Conroe, Craig, Dewey, Jenkins, Longstreet, Newman, Ray, Shew, Story, Street, Sutherland and Whiton, speaker.

Those voting in the negative were, Messrs. Bracken, Cruson, Hoyt, McGregor, Sholes and Wells.

Ordered, That the petitions and accompanying documents be so referred.

Mr. Longstreet presented the petition of citizens of Milwaukee county, occupants upon the even numbered sections of the canal reservation, praying that the university lands be located on said sections.

And moved that the same be referred to the select committee to which that part of the Governor's message was referred, which relates to the university lands, consisting of Messrs. Childs, Stevens and Longstreet.

Ordered, That the petition be so referred.

The Speaker laid before the House a communication from the Executive, relating to the fiscal agency of Moses M. Strong.

Which was read and laid on the table.

Mr. Street, from the committee to whom the subject was referred, made the following report:

"The majority of the select committee, to which was referred so much of the Governor's message as relates to the admission of this Territory as one of the independent states of this union, have had the same under consideration, and would recommend the adoption of the following resolution:

"*Resolved,* That the committee on the judiciary be instructed to bring in a bill authorizing the qualified electors of this Territory, at the next general election, to vote for or against the immediate admission of this Territory as one of the independant states of this Union."

On motion of Mr. Sholes,

Ordered, That the same be laid on the table.

Mr. Sholes, from the committee on enrolled bills, reported resolution No. 4 to be correctly enrolled, entitled

"Resolution relative to settlement of the accounts of the agent appointed to procure and superintend the publication of the Revised Statutes of Wisconsin."

The Speaker signed the same, and ordered it to be presented to the President of the Council for his signature.

Mr. Dewey, from the committee on roads, to which was referred sundry petitions for the location of roads, reported bill No. 7, entitled

"A bill to provide for laying out and establishing certain Territorial roads therein named."

Which was read a first and second time;

And, on motion,

The committee were discharged from the further consideration of said petitions.

Mr. Bracken offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the act entitled "An act for assessing and collecting county revenue," so as to include within the list of taxable property, merchandize, and such other personal property, as they may deem expedient. Also, that all lands sold for taxes shall be by the judgment and decree of the circuit or district court, and that they report by bill or otherwise.

The question being put, "shall the said resolution pass?"

I was decided in the affirmative.

Mr. Longstreet, agreeably to notice previously given for leave, introduced bills Nos. 8 and 9, entitled as follows, viz:

No. 8, "A bill to amend Milwaukee town charter."

No. 9, "A bill to amend an act relating to roads and highways."

Which were severally read a first and second time.

The following message was received from the Council by their secretary:

"Mr. Speaker—The Council have passed bills as follows, in which I am directed to ask the concurrence of this House:

"No. 3, 'A bill to divide the towns of Kinnikenick and Lisbon, and to change the name of Prairie Village;' and

"No. 5, A bill to amend an act entitled 'an act to provide for a Territorial revenue.'"

And then he withdrew.

The House then proceeded to the orders of the day, when

Mr. McGregor moved a call of the House, which was ordered.

A call of the House having been made, and it appearing that Mr. Shackelford only was absent, the House,

On motion of Mr. Billings,

Granted leave of absence to Mr. Shackelford until Monday next.

The question then being on ordering bill No. 1 to a third reading, entitled

"A bill to legalize the proceedings of the county officers of Crawford county therein referred to."

Mr. McGregor renewed his motion of yesterday, for the indefinite postponement of the said bill; and, after debate, the question was put, "shall the said bill be indefinitely postponed?"

And the ayes and noes being called, by Mr. McGregor, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Bracken, Cruson, Dewey, Hoyt, Jenkins, McGregor, Newman, Ray, Shew, Sholes, Stevens, Story and Sutherland—15.

Noes—Messrs. Billings, Brunson, Childs, Conroe, Craig, Longstreet, Street and Whiton, speaker—8.

So the bill was indefinitely postponed.

Ordered, That the Council be acquainted therewith.

Resolution No. 8, entitled "Resolution relative to the distribution of the local laws," was ordered to be engrossed for the third reading.

Mr. Shew gave notice that, on some future day, he should beg leave to introduce a memorial praying the Congress of the United States to pass a law for the confirmation of the titles to lots one, two and three on Walker's Point, in the county of Milwaukee.

Mr. Bracken gave notice that, on some future day, he would ask leave to introduce a bill to provide for levying and collecting a tax on all teams of horses, oxen or mules, owned by non-residents of this Territory, which may be hereafter engaged in hauling lead or lead ore within this Territory.

Mr. Street gave notice that he should, on some future day, ask leave to introduce a bill to amend an act entitled

"An act concerning costs and fees."

On motion of Mr. Story,

The House adjourned.

MONDAY, December 16, 1839.

Mr. Wells presented the remonstrance of William Payne, and others, against the construction of a dam at the outlet of Pewaukee lake.

Which was read, and, on motion,

Ordered, That the same be referred to the select committee to which the petition of Asa Clark, and others, was referred on the 6th inst., consisting of Messrs. Shew, Longstreet and Dewey.

Mr. Ray, agreeably to previous notice, by leave, introduced bill No. 10, entitled

" A bill to provide for laying out a Territorial road from Geneva lake to Fon du Lac."

Which was read a first and second time.

Mr. Stevens presented the petition of citizens of Wisconsin, praying that a road may be laid out and established from Southport to Beloit, on Rock river, via Daniel Stevens' house and the Des Plaines river, in section eighteen, town one, range twenty-two.

Ordered, That the same be referred to the committee on roads.

Mr. Baldwin presented the petition of citizens of Iowa county, praying for the location of a road leading from Mineral Point, in said county, to the point on the state line of Illinois where the road from Rockford terminates.

Ordered, That the same be referred to the committee on roads.

Mr. Wells, from the committee on the judiciary, reported bills of the following titles, to wit:

No. 11, " A bill to repeal the 4th section of an act entitled 'An act to restrain unauthorized banking, and for other purposes.' "

No. 12, " A bill to provide for recording contracts relating to lands, and for other purposes."

Which were severally read a first and second time.

On motion of Mr. Wells,

Ordered, That all bills of this House now on the table, and which have not been considered in committee of the whole, be printed for the use of the members of this House.

Mr. Longstreet, from the joint committee on enrolment, reported that the committee on the 12th instant presented to the Governor, for his approval, resolutions of the following titles, to wit:

No. 5, "Resolution in relation the half-breed lands on Lake Pepin."

No. 6, "Resolution relating to the extension of the military reserve of Fort Snelling to the east side of the Mississippi river."

Mr. Childs, from the committee on engrossed bills, reported resolution No. 8, entitled "Resolution relative to the distribution of the local laws," to be correctly engrossed.

On motion of Mr. Shackelford,

Bill No. 5, entitled "A bill to organize the county of St. Croix," was read a first and second time.

The Speaker laid before the House a communication from the Executive, notifying the House that he did on this day approve and sign enrolled resolutions of the following titles, viz:

No. 5, "Resolution in relation to the half-breed lands on Lake Pepin."

No. 6, "Resolution relating to the extension of the military reserve of Fort Snelling to the east side of the Mississippi river."

The Speaker announced that the House would now proceed to the orders of the day, being resolutions relating to the fiscal agency of Moses M. Strong.

Mr. Sholes offered the following substitute for the said resolution:

Resolved, That Moses M. Strong, Esq., who was appointed by the Legislative Assembly, at its session commencing the 26th day of November, 1838, fiscal agent of the legislature, and authorized to borrow the sum of fifteen thousand dollars upon the faith of the Territory, be requested to report to this House as soon as practicable, the manner in which he has performed the duties imposed upon him; what amount and what kind of money was received by him for the payment of the loan made and at what time; whether the debt contracted against the Territory has been paid, and if so, when; together with all such information as may enable the assembly to determine whether he has faithfully discharged the duties he was required to perform by the resolution under which he was appointed.

Mr. Shew moved to amend the resolution by adding the following:

Resolved, That the chief clerk of this House be requested to forward a copy of the above resolution as soon as practicable to the said Moses M. Strong, Esq.

The amendment was agreed to.

The question was then put, "shall the substitute for the original resolution pass?"

And was decided in the affirmative.

Mr. Stevens, by leave, offered the following resolution:

Resolved, That the serjeant-at-arms be instructed to procure a sufficient number of chairs and desks for the accommodation of the transcribing clerks of this House.

The question being put, "shall this resolution pass?"

It was decided in the affirmative.

Resolution No. 8. entitled "Resolution relative to the distribution of the local laws," was then taken up, read a third time, passed and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Childs,

Bills of the following titles, Council file, were read the first and second time, and considered in committee of the whole, Mr. Childs in the chair; viz;

No. 3, "A bill to divide the towns of Kinnikenick and Lisbon, and to change the name of Prairie Village."

No. 5, "A bill to amend an act entitled 'an act to provide for a Territorial revenue.'"

After a short time the committee rose and reported the said bills to the House without amendments, which were severally ordered to third reading.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following, in which I am directed to ask the concurrence of this House, viz:

"No. 7, A bill to amend the act entitled 'an act to provide for and regulate general elections;'

"No. 1, 'Memorial to Congress relative to mineral lots and reservations;' and,

"No. 3, 'Memorial to Secretary of War, for the construction of a military road from Fort Howard to Fort Snelling.'"

"And have concurred in a resolution of this House, (No. 7,) entitled

"'Resolution relative to the committees on public buildings.'"

And then he withdrew.

On motion of Mr. Street,

The House went into committee of the whole, Mr. Billings in the chair, for the consideration of resolution No. 2 from the Council, entitled

"Resolution relating to the public printing."

After some time the committee rose and reported the said resolution with amendments.

The first and second amendments, reported by the committee, were concurred in by the House, and on the question of agreeing to the third amendment,

A motion was made by Mr. Sholes, that the House do disagree to the third amendment, which amendment provided that the incidental printing and the Journals be equally divided between the printers at Madison.

Mr. Beardsley called for the ayes and noes on the question, "Will the House disagree to the said amendment?" which were taken and were as follows:

Ayes—Messrs. Conroe, Jenkins, Sholes, Street, Wells and Whiton, speaker—6.

Noes—Messrs. Baldwin, Beardsley, Billings, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Stevens, Story and Sutherland—19.

So the amendment was agreed to.

The said resolution was then ordered to be read the third time.

Mr. Longstreet gave notice that, on some future day, he should beg leave to introduce a bill to amend an act concerning judgments and executions.

Mr. Conroe gave notice that, on a future day, he should ask leave to introduce a bill to authorize the construction of a dam across the Manitouwoc river.

Mr. Childs moved to adjourn, and the question being put,

It was decided in the negative.

Mr. Shew moved to adjourn until 3 o'clock P. M., which was agreed to.

So the House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

On motion of Mr. Sholes,

Memorials and a bill from the Council were read a first and second time, entitled as follows:

No. 1, "Memorial to Congress relative to mineral lots and reservations."

No. 3, "Memorial to Secretary of War for the construction of a military road from Fort Howard to Fort Snelling;" and,

No. 7, "A bill to amend the act entitled 'an act to provide for and regalate general elections.'"

On motion of Mr. Story,

The House resolved itself into committee of the whole, Mr. Story in the chair, having under consideration the said memorials and bill.

After some time the committee rose, and by their chairman reported the said memorials and bill to the House, with amendments.

The House agreed to the amendment to Memorial No. 1.

On motion of Mr. Sholes,

The question was taken separately on the amendments to Memorial No. 3, and the first amendment was agreed to.

The question then recurred on the second amendment, when

Mr. Sholes moved to amend the amendment by striking out the words "be washed away," and inserting in lieu thereof, the words "remain long saturated."

Which was agreed to.

The question being then put; "Will the House agree to the amendment as amended?"

It was decided in the affirmative.

Mr. Street moved to amend the amendment of the committee to section 1, of bill No. 7, by striking out "first Thursday of October," and inserting in lieu thereof, "fourth Monday of September," which section provided for holding general elections.

Mr. Longstreet moved to amend the amendment offered by Mr. Street, by striking out the "fourth Monday of September," and inserting "the second Monday of October," which was disagreed to.

Mr. Baldwin moved to amend the amendment offered by Mr. Street, by substituting the "first Monday of July," for the "fourth Monday of September."

And the ayes and noes being called for, on agreeing to the amendment, were as follows:

Ayes—Messrs. Baldwin, Billings, Bracken, Childs, Craig, Cruson, Dewey, McGregor, Shackelford, Shew, Story and Street—12.

Noes—Messrs. Beardsley, Brunson, Conroe, Hoyt, Jenkins, Longstreet, Newman, Ray, Sholes, Stevens, Sutherland, Wells and Whiton, speaker—13.

So the amendment to the amendment was not agreed to.

Mr. Shew moved to amend the amendment offered by Mr. Street, by inserting in place of "fourth Monday," the "first Monday of September."

And the ayes and noes being called for on said question, there were ayes 8, noes 17.

Those voting in the affirmative were, Messrs. Baldwin, Bracken, Brunson, Childs, Cruson, McGregor, Shackelford and Shew.

Those voting in the negative were, Messrs. Beardsley, Billings, Conroe, Craig, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker.

The question then recurred on agreeing to the amendment offered by Mr. Street.

And the question being put, "Will the House agree to the said amendment?"

It was determined in the affirmative.

The said memorials, Nos. 1 and 3, and bill No. 7, were severally ordered to the third reading.

Mr. Jenkins moved that the vote taken on Saturday last, indefinitely postponing bill No. 1, Council file, entitled "A bill to legalize the proceedings of the county officers of Crawford county therein referred to," be reconsidered.

Pending the question thereon, Mr. Billings moved to adjourn, which was disagreed to.

Mr. McGregor called for the ayes and noes on the question to reconsider the vote by which bill No. 1, Council file, was indefinitely postponed, which were as follows:

Ayes—Messrs. Beardsley, Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Jenkins, Longstreet, Ray, Sholes, Story, Street, Sutherland, Wells and Whiton, speaker—17.

Noes—Messrs. Baldwin, Dewey, McGregor, Newman, Shackelford, Shew and Stevens—7.

So the vote was reconsidered.

On motion of Mr. Shew,

The House adjourned.

TUESDAY, December 17, 1839.

Mr. Sholes presented the petition of inhabitants of Jefferson, in relation to the erection of a dam across the west branch of Rock river.

Ordered, That the same be referred to the select committee to which was referred a similar petition on the 13th inst., consisting of Messrs. Sholes, Sutherland and Story.

Mr. Story, from the select committee to which that portion of the Governor's message was referred, which relates to the occupants of canal lands, reported a memorial, No. 1, entitled

"A memorial of the Legislative Assembly in behalf of the settlers on the even sections, reserved to the United States by the law granting a quantity of lands to the aid in the construction of the Milwaukee and Rock river canal."

Which was read a first and second time.

On motion of Mr. Story,

Ordered, That the usual number of copies of said memorial be printed for the use of this House.

Mr. Sholes, from the select committee to which that portion of the Governor's message was referred, which relates to the erection of a penitentiary, submitted the following report and resolutions, which were read and laid on the table:

The select committee to which was referred that portion of the Governor's message in relation to the propriety of memorializing Congress for an "appropriation of thirty thousand dollars, for the erection of a penitentiary in this Territory," beg leave to report, that they have considered the subject, and cannot think that the interests of the people of Wisconsin, at the present time, require the organization of such an establishment.

The committee are not disposed to disagree with the Governor in opinion, that the establishment of a penitentiary, and solitary confinement at hard labor, would have an important and beneficial moral influence upon the community in preventing violations of our penal laws, in reclaiming the convict from the error of his ways, and restoring him to the path of rectitude; but the question arises, would not the burden, in a pecuniary point of view, for the support of a penitentiary be too onerous?

"Since the organization of our Territorial government," says His Excellency, "persons convicted of crime of a high grade, who merited punishment at hard labor, have been pardoned on the petitions of citizens of the counties where the offences were committed, who stated that the expenses for the safe keeping of their convicts would be burdensome in the extreme to the inhabitants of those counties, without their being able to derive any advantage from their labor during confinement." Such, it is true, has been the case; but the expenses incident to sustaining a penitentiary, after its erection, would, in the opinion of your committee, be far more burdensome upon the people of Wisconsin, than the mere support of one or two convicts in the prisons of a few of our counties.

It is to be hoped and expected that for same years to come, unless the increase of crime should be in a greater ratio than usual, in comparison with the increase of our population, the number of convicts will be very limited. It could not, therefore, be expected if a penitentiary were at present established, that the proceeds of their labor, provided any profitable employment could be procured for them, would be sufficient to cover the expenses of their keeping; on the contrary, it is believed that these proeeeds would furnish but a very small item towards the payment of the salaries of such officers as would be necessary in a penitentiary, and the other expenses; and that to sustain such an establishment would be a pecuniary burden of an oppressive character upon the people of the Territory.

The committee, however, in presenting these views, do not wish to be understood as being opposed to an application to Congress for an appropriation, such as the Governor recommends. The only ground of disagreement between His Excellency and the committee is as to the proper *time* for the organization of such an establishment. It may be expedient to apply *now* to Congress for an appropriation for the erection of a penitentiary, to be applied to the purpose designed at a time, and in a manner to be determined hereafter by the Legislative Assembly. The committee, therefore, present the following resolution for the consideration of the Legislature:

Resolved, by the Council and House of Representatives, That our delegate in Congress be requested to use his influence and exertions to procure an appropriation of thirty thousand dollars, for the erection of a penitentiary in Wisconsin, at such place as may hereafter be designated by legislative authority, the money to be placed at the disposal of the Legislative Assembly.

Resolved, further, That the Governor of the Territory be requested to forward a copy of this resolution, immediately after its passage, to the delegate in Congress from Wisconsin.

Mr. Shackelford, from the joint committee on enrolment, reported resolution No. 7, entitled " Resolution relative to the committe on public buildings," to be correctly enrolled.

When the Speaker signed the same.

The Speaker laid before the House a message from the Executive, enclosing a communication from the commissioner of the General Land Office, relating to the survey and sale of lands north of the Wisconsin and Fox rivers, which was read and laid on the table.

(See Appendix, document E.)

Mr. Street, from the committee on corporations, submitted the following report:

The committee on corporations, to whom was referred so much of the Governor's message as relates to banks and corporations, would respectfully submit the following report:

The Bank of Mineral Point, is the only legal banking institution now in the Territory, and your committee are of opinion from the best information in their possession, that it is in a sound and solvent condition.

The present is a critical time with banks owing to the scarcity of money—the suspension of specie payment by many of the banks in the Union, and the consequent derangement of the currency of the country.

The representatives of the people, therefore, cannot watch with too much vigilance the operations of these institutions. The salutary lessons that have been taught in banking operations in this Territory for the last few years, where bank explosions—bank corruptions and speculations have been the order of the day—admonish us as guardians of the dearest rights of the people, to guard with double vigilance the interest of the community against similar frauds and corruption.

Your committee believe that to keep banks in a safe condition, and strengthen public confidence in them, their affairs and operations should often be examined into, and a statement of their accounts laid before the public.

The Wisconsin Marine and Fire Insurance Company, your committee are informed from good authority, have commenced banking operations in violation, as your committee believe, of a special proviso in the second section of their act of incorporation, and an act to restrain unauthorized banking.

The committee deem it their duty to bring this subject before the House for its action. Entertaining these views we would respectfully recommend the adoption of the following resolutions:

Resolved, That the committee on the judiciary be instructed to bring in a bill to provide for the election of Bank Commissioners, and define their duties, &c.

Resolved, That the Attorney-General of the Territory be requested to report to this House as soon as possible, all information in, or that may come into his possession relating to the banking operations of the Wisconsin Marine and Fire Insurance Company.

On motion of Mr. Sholes,

Ordered, That said report do lie on the table.

The House then proceeded to the orders of the day, being bills and memorials on the third reading.

The under-mentioned bills and memorials from the Council were severally read the third time, passed, and the titles thereof agreed to, viz:

No. 3, "A bill to divide the towns of Kinnikenick and Lisbon, and to change the name of Prairie Village."

No. 5, "A bill to amend an act entited 'An act to provide for a Territorial revenue.'"

No. 7, "A bill to amend the act entitled 'An act to provide for and regulate general elections.'" And, No. 3, "Memorial to Secretary of War for the construction of a military road from Fort Howard to Fort Snelling."

Ordered, That the clerk acquaint the Council therewith, and request their concurrence in their amendments to bill No. 7 and memorial No. 3.

Resolution No. 2, entitled "Resolutions relating to the public printing," and memorial No. 1, entitled "Memorial to Congress relative to mineral lots and reservations," were recommitted, the former to the committee of the whole, and the latter to the following select committee, viz:

Messrs. Bracken, Cruson and Billings.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following, in which the concurrence of this House is requested, viz:

"No. 4, 'A bill to change the time of holding the district court in and for the county of Racine, and for other purposes.' And,

"No. 2, 'Memorial to Congress for appropriations for harbors.'

"Messrs. Martin and Rountree have been appointed the committee, on the part of the Council, under the joint resolution relative to the settlement of the accounts of the agent appointed to procure and superintend the publication of the Revised Statutes of Wisconsin."

And then he withdrew.

The House then proceeded to consider bill No. 1, Council file, entitled

"A bill to legalize the proceedings of the county officers of Crawford county therein referred to."

On motion of Mr. Brunson,

Ordered, That the said bill be recommitted to the committee of the whole now.

The House then went into committee of the whole, on said bill, Mr. Dewey in the chair.

After a short time the committee rose, and by their chairman reported the bill to the House, with an amendment,

The report of the committee was agreed to.

On motion of Mr. Shew,

Ordered, That the said bill be laid on the table and printed.

On motion of Mr. Cruson,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

On motion of Mr. Jenkins,

Ordered, That the memorial of the Milwaukee and Rock river canal company be taken up and referred to the committee on internal improvements.

On motion of Mr. Shew,

The House went into committee of the whole, on resolution No. 2, Council file, relating to the public printing, Mr. Street in the chair.

After some time the committee rose and reported the resolution to the House with amendments.

The amendments were agreed to, and the said resolution was ordered to the third reading, and was read the third time, passed, and title agreed to.

Ordered, That the clerk request the Council to concur in the amendments to said resolutions.

Mr. Longstreet presented the account of D. H. Richards, for printing local laws, and moved that the same referred to the committee on claims.

Ordered, That the account be so referred.

Mr. Longstreet, by leave, introduced bill No. 13, entitled

"A bill to amend an act concerning judgments and executions."

Which was read a first and second time, and ordered to be printed for the use of the House.

Mr. Wells, from the committee on the judiciary, reported bills of the following titles, to wit:

No. 14, "A bill concerning attorneys."

No. 15, "A bill to amend an act of the Revised Statutes of 1839, entitled 'an act concerning the supreme and district courts.'"

Which were severally read a first and second time; and,

On motion of Mr. Wells,

Ordered, That the said bills be printed.

On motion of Mr. Brunson,

The House went into committee of the whole, Mr. Shackelford in the chair, on bill No. 4 of this House, entitled

"A bill to establish certain ferries therein named."

After a short time the committee rose and reported the said bill to the House with amendments.

Mr. Shew moved that the question be taken separately on the amendments, which was agreed to.

The ayes and noes were called on the question to agree to the amendment of the committee.

Which was to strike out the word "twelve" wherever it occurs throughout the bill, and insert the word "five," and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Bracken, Jenkins, Longstreet, Newman, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—12.

Noes—Messrs. Brunson, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Shackelford, Shew and Street—10.

So the first amendment was agreed to.

The second and last amendment was then read and agreed to.

On the question to engross the said bill for the third reading, the ayes and noes were called for by Mr. Wells, and were as follows:

Ayes—Messrs. Beardsley, Brunson, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Shackelford, Shew, Stevens, Street and Sutherland—13.

Noes—Messrs. Baldwin, Bracken, Jenkins, Longstreet, Newman, Sholes, Story, Wells and Whiton, speaker—9.

So the said bill was ordered to be engrossed for the third reading.

Mr. Sholes, from the select committee to which several petitions were referred, reported bill No. 16, entitled

"A bill to authorize the erection of a dam across the west branch of Rock river."

Which was read the first and second time and ordered to be printed.

Mr. Dewey, from the select committee, to which bill No. 3 was referred, reported a substitute for said bill, entitled (No. 3,)

"Substitute for a bill relating to the duties of registers of deeds."

Read the first and second time and ordered to be printed.

On motion of Mr. Conroe,

The House adjourned.

WEDNESDAY, December 18, 1839.

Mr. Shackelford presented the petition of citizens of Brown county, praying that the seat of justice of said county be removed from Depere to the village of Green Bay.

Referred to the following select committee, viz:

Messrs. Shackelford, Childs and Baldwin.

Mr. Childs presented the petition of Joseph R. Brown and Margaret Brown praying for a divorce.

Referred to the following select committee, viz:

Messrs. Childs, Shackelford and Story.

Mr. Shew, agreeably to notice previously given, obtained leave to introduce memorial No. 2, entitled

"A memorial to Congress, relative to confirming the titles to lots one, two and three, of section thirty-two, town seven, range twenty-two east."

Read a first and second time, on motion of Mr. Shew, and

Ordered, That said memorial do lie on the table and be printed.

On motion of Mr. Brunson,

A bill and memorial from the Council were read the first and second time, entitled as follows:

No. 4, "A bill to change the time of holding the district court in and for the county of Racine, and for other purposes."

No. 2, "Memorial to Congress for appropriations for harbors."

On motion of Mr. Conroe,

The House resolved itself into the committee of the whole, on bills of the following titles, Mr. Sholes in the chair, viz:

No. 5, "A bill to organize the county of St. Croix."

No. 8, "A bill to amend Milwaukee town charter."

No. 9, "A bill to amend an act relating to roads and highways."

No. 10, "A bill to provide for laying out a Territorial road from Geneva lake to Fon du Lac."

After some time the committee rose and by their chairman reported bills Nos. 8 and 9 without amendments, and Nos. 5 and 10 with amendments.

Mr. Street moved to postpone indefinitely bill No. 5.

And the ayes and noes being called on the question to postpone, there were ayes 11, noes 13.

Those voting in the affirmative were, Messrs. Brunson, Conroe, Craig, Jenkins, Longstreet, Newman, Ray, Story, Street, Sutherland and Whiton, speaker.

Those voting in the negative were, Messrs, Baldwin, Beardsley, Bracken, Childs, Cruson, Dewey, Hoyt, McGregor, Shackelford, Shew, Sholes, Stevens and Wells.

So the motion was lost.

The amendments to bills Nos. 5 and 10 were then agreed to, and bill No. 10 ordered to be engrossed for the third reading.

On motion of Mr. Street,

Ordered, That the said bill be laid on the table.

On motion of Mr. Wells,

Ordered, That bill No. 8 be laid on the table.

On motion of Mr. Dewey,

Ordered, That bill No. 9 be also laid upon the table.

Mr. Sholes, agreeably to notice, obtained leave to introduce a bill, which was read a first and second time, ordered to lie on the table and be printed, entitled as follows:

No. 17, "A bill to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river, and for other purposes."

Mr. Childs from the committee on engrossed bills reported the following to be correctly engrossed, viz:

No. 4, "A bill to establish certain ferries therein named."

Mr. Cruson moved to adjourn, which was disagreed to.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Shackelford, by leave, presented the petition of J. R. Brown and others, relating to the organization of a county to be called St. Croix, which was read and laid on the table.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed memorial No. 4, entitled 'Memorial to Congress for an appropriation for the establishment of a penitentiary,' in which the concurrence of this House is requested.

"And have concurred in bill No. 1 of this House, entitled 'a bill to establish a Territorial road from Madison to Frankfort in Dodge county,' and in the amendment of this House to the following:

"No. 7, A bill to amend the act entitled 'an act to provide for and regulate general elections.'

"No. 3, 'Memorial to Secretary of War for the construction of a military road from Fort Howard to Fort Snelling;' and,

"No. 2, 'Resolution relating to the public printing.'"

And then he withdrew.

On motion of Mr. Dewey,

The House resolved inself into committee of the whole, Mr.

Baldwin in the chair, having under consideration bills of this House as follows, viz:

No. 3, "A bill relating to the duties of the register of deeds for the county of Rock."

No. 6, "A bill to amend an act entitled 'an act concerning strays;'" and,

No. 7, "A bill to provide for laying out and establishing certain Territorial roads therein named."

After some time the committee rose and, by their chairman, reported the said bills to the House with amendments.

The amendments to bills Nos. 3 and 7 were severally agreed to, and the bills ordered to be engrossed for a third reading.

On motion of Mr. Wells,

Ordered, That bill No. 6 do lie on the table.

Mr. Shackelford, from the joint committee on enrolment, reported bill No. 1, entitled "a bill to establish a Territorial road from Madison to Frankfort in Dodge county to be correctly enrolled; when

The Speaker signed said bill.

On motion of Mr. Brunson,

Ordered, That bill No. 4, entitled "A bill to establish certain ferries therein named," be recommitted to the committee of the whole.

The House then went into the committee of the whole on said bill, Mr. Cruson in the chair.

After some time the committee rose and reported the said bill to the House with amendments.

The amendments were agreed to.

The question was then put "shall the bill be engrossed and read a third time?" and,

The ayes and noes being called for on said question, there were

Ayes—Messrs. Billings, Bracken, Brunson, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Shackelford, Shew and Street —12.

Noes—Messrs. Baldwin, Beardsley, Jenkins, Longstreet, New-

man, Ray, Sholes, Stevens, Story, Wells and Whiton, speaker—11.

So the said bill was ordered to be engrossed.

On motion of Mr. Billings,

The House adjourned.

THURSDAY, December 19, 1839.

The Speaker appointed Messrs. Sholes, Story and Street, of the committee on the part of this House, under joint resolution No. 2, Council File, entitled

"Resolution relating to the public printing."

Ordered, That the Council be informed thereof.

Mr. Wells presented the remonstrance of Jonathan Lyman, and others, against the erection of a dam across the west branch of Rock river, in town seven, range fourteen; and also an affidavit of Benjamin Nute, upon the same subject, which were read; and,

Ordered to lie on the table.

Mr. Street presented the accounts of Thomas Watson & Son, and of John P. Rogers, for publishing laws.

Which were referred to the committee on claims.

Mr. Jenkins presented the accounts of Wesh & Plowman for printing Journals.

Ordered, That the same be referred to the joint committee on public printing.

Mr. Longstreet, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to whom was referred so much of the Governor's message as relates "to memorializing Congress for appropriations to aid in internal improvements in the Territory," and, also, that portion of it relating "to the Milwaukee and Rock river canal," beg leave, respectfully, to report:

That your committee have endeavored to examine the different subjects committed to their consideration, with that attention, to which their paramount interest and importance, so fully entitle them.

It is idle to multiply words in accumulating proof of the truth of a self-evident proposition. Your committee, therefore, will not attempt any detailed statement, to demonstrate the obvious claims which the various projected works of internal improvement in our thriving Territory, present to the favorable regard of our government at Washington.

If the general government is not indisposed to pursue a policy towards her Territories, which must inevitably promote not only their interests but her own, by increasing the amount of *nett* proceeds to be derived from the sales of public lands, she will not hesitate to appropriate a few odd acres towards the accomplishment of such improvements as will obviously enhance the value of the remainder of her wide domain, in a ratio, not commensurate with their cost merely, but incomparably greater.

Your committee, therefore, relying upon the intelligence and patriotism of Congress to view the subject in its true light, respectfully recommend memorializing their honorable bodies for liberal appropriations of land for the benefit of the following works, viz:

1. The Lake Michigan and Mississippi rail-road.
2. Improvement of the Fox and Wisconsin rivers.
3. do. do. Rock river.
4. do. do. Pekatonica river.
5. do. do. Platte river.
6. do. do. River of the Four Lakes.

Also, an appropriation in money, sufficient to complete the construction of

The United States road from Milwaukee to the Mississippi;

The United States road from Racine to Sinipee; and the survey and estimate of

The Lake Michigan and Mississippi rail-road;

The improvement of the navigation of the Slough connecting the Mississippi and Grant rivers, opposite the Town of La Fayette in Grant county.

With regard to the Milwaukee and Rock river canal, your committee cannot but view with feelings of deep concern, the temporary delay in the prosecution of this noble work, which the peculiarly embarrassed state of the money market appears to have rendered inevitable. This delay, however, it is hoped, cannot be of long duration; and your committee cannot refrain from expressing the earnest hope that this important enterprize may continue to receive, at the hands of the Legislative Assembly, all the aid and fostering care which it so richly merits.

This projected improvement would seem to be entitled to that peculiar regard, from the Territory generally, with which a fond mother cherishes, during its helpless infancy, her first-born. It is the commencement of a system, which, if Wisconsin is only true to herself, and her best interests, will be so carried out as to secure to her, at no distant day, a place in the Union, second in rank to none of her older sisters.

It is, in reality, a Territorial work; and one which we cannot but all feel justly proud of having undertaken; and whose completion must be anticipated with emotions of peculiar gratification and delight.

In connexion with the subject of this work it may not be improper for your committee to suggest the general benefit that would arise to the Territory, by procuring the construction of a rail-road from the western termination of the canal, to the Mississippi river, which might, afterwards, if desirable, be extended through to Lake Michigan; and the peculiar advantages that will be derived from the canal by the residents along the valleys of the Rock, Pekatonica and River of the Four Lakes, when the contemplated improvements of these streams shall have been effected; which will far exceed, in number and importance, any estimate, however flattering, that could now be made by the most sanguine and enthusiastic friends of our flourishing Territory.

Your committee respectfully endorse the recommendation of the Executive, that the Legislative Assembly should so amend the "Act to provide for aiding in the construction of the Milwaukee and Rock river canal," "as to authorize the payment of the salaries of the chief engineer and commissioners of the canal, out of the proceeds of the sales of canal lands."

Your committee, also, respectfully recommend, that so much of the act of the twenty-second section, approved February 26, 1839, as relates to the members of the canal company, be repealed; said act, in the opinion of your committee, being unjust, inoperative, and unnecessarily restrictive in its provisions and detrimental to the successful prosecution of the canal.

Your committee would, also, further recommend the passage of a law authorizing the Governor to issue bonds in the name of the Territory for the additional sum of fifty thousand dollars to aid in the prosecution of this work, at such time as the state of the money market will permit, pledging the faith of the Territory for the redemption of the same, and in case said bonds shall not be negotiated previous to the first day of September next, then all money which shall belong to the canal fund, or which shall thereafter come into the hands of the canal commissioners in payment of interest on sales of canal lands, shall be applied to the construction of the canal, in the same manner as any money to be obtained by loan is authorized by law to be applied until a loan shall have been obtained.

Your committee would respectfully recommend, that the salaries of the officers employed on the part of the Territory in the prosecution of said work, be reduced to a fair and reasonable allowance for services rendered.

In conclusion, your committee trust they may be pardoned for fondly cherishing the hope, that this, our first great enterprize, may receive at the hands of the Legislative Assembly, that fostering care and protection, to which its importance as a Territorial measures, so justly entitles it.

All of which is respectfully submitted.

On motion of Mr. Childs,

The report was accepted.

Mr. Shew, from the "select committee to which was referred several petitions praying for the right to construct a dam across the outlet of Pewaukee lake, together with sundry other documents relating to the same subject," made the following report:

"That having had the matter under consideration, they would respectfully recommend that the first prayer in said petitions be not granted, as the subject matter is now pending in a court of chancery, and therefore any legislative action upon the same, your committee think would be traveling from the strict path of duty. But as the petitions pray for a general law regulating water powers, your committee would respectfully recommend the passage of the following resolution:

Resolved, That the committee on the judiciary be instructed to bring in a bill making general provisions relative to water powers in this Territory, and to provide for the assessment of damages when lands are flowed.

On motion of Mr. Cruson,

The report was accepted, and the committee discharged from the further consideration of the subject.

The question on adopting the resolution reported by the committee, was then put and passed in the affirmative.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 10, "A bill to provide for laying out a Territorial road from Geneva Lake to Fon du Lac."

On motion of Mr. Dewey,

The House resolved itself into the committee of the whole, Mr. Bracken in the chair, having under consideration bills and a memorial of this House, of the following titles, viz:

No. 11, "A bill to repeal the 4th section of an act entitled 'An act to restrain unauthorized banking and for other purposes.'"

No. 12, "A bill to provide for recording contracts relating to lands and for other purposes;" and,

No. 1, "A memorial of the Legislative Assembly, in behalf of the settlers upon the even sections reserved by the United States, by the law granting a quantity of lands to aid in the construction of the Milwaukee and Rock river canal."

After a short time the committee rose, and reported to the

House bill No. 11, and memorial No. 1, without amendments, and bill No. 12, with amendments.

The amendments of the committee to bill No. 12 were agreed to.

Oh motion of Mr. Childs,

Ordered, That bill No. 11 do lie on the table.

Mr. Longstreet offered the following amendment to bill No. 12.

Add to the bill the following section:

SEC. 4. That it shall be the duty of all grantors of bonds and contracts (given) for the conveyance of real estate, on which improvements have been made by the grantee, his heirs or assigns, at the maturity of said bonds or contracts then remaining unsatisfied, to proceed to sell the same at public auction to the highest bidder, having first given thirty days notice by advertisement in one or more of the public newspapers of the Territory, and by written notices in three of the most public places in the county where the premises are situate, such advertisement and notices containing a full description of the premises, and if the premises so specified and sold agreeably to the provisions of this act, shall bring anything over and above the amount called for in said bond or contract, and the expense attending such sale, such balance shall be paid over to the person, his heirs or assigns, making or occupying the same.

The question being put, "Will the House agree to the amendment?"

And the ayes and noes being called for, it was decided in the negative; ayes 1, noes 23.

Mr. Longstreet voting in the affirmative, and

Messrs. Baldwin, Beardsley, Billings, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker, voting in the negative.

The said bill and memorial No. 1, were then ordered to be engrossed for the third reading.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed bill No. 6, entitled 'A bill to authorize the building a bridge across the Fox river, in the county of Brown,' in which I am directed to ask the concurrence of this House.'

And then he withdrew.

On motion of Mr. Shew,

Memorial No. 2, entitled "A memorial to Congress relative to confirming the titles to lots one, two and three of section thirty-two, town seven, range twenty-two east," was considered in committee of the whole, Mr. Wells in the chair, and, after some time spent therein, was reported to the House without amendment.

The said memorial was then ordered to be engrossed for the third reading.

Mr. Shackelford, from the joint committee on enrolment reported the following bills, resolution and memorial, to be correctly enrolled, viz:

"An act to amend an act, entitled 'An act to provide for a Territorial revenue.'"

"An act to amend an act, entitled 'An act to provide for and regulate general elections.'"

"An act to divide the towns of Kinnikinick and Lisbon, and to change the name of Prairie Village."

"Resolution relating to the public printing."

"Memorial to Secretary of War, for the construction of a military road from Fort Howard to Fort Snelling."

When the Speaker signed the same.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 4, "A bill to establish certain ferries therein named."

Mr. Ray, from the committee on claims, to which was referred the account of Daniel H. Richards for printing the local laws, reported the same back to the House, and moved that it be referred to the joint committee on the public printing.

The account was so referred.

On motion of Mr. Shew,

The House adjourned.

FRIDAY, December 20, 1839.

Mr. Longstreet presented the petition of Benjamin Nute, and others, praying to be authorized to construct a dam across the west branch of Rock river, in town seven, range fourteen, on section four, and moved that it be referred to the select committee which reported bill No. 16, and that said bill and all petitions and papers relating thereto be referred back to said committee.

So referred.

Mr. Ray, from the committee on claims, to which was referred the accounts of J. P. Rogers, and Thomas Watson & Son, for printing, reported the same back to the House, and moved that the accounts be referred to the joint committee on public printing.

Ordered, That the accounts be so referred.

Mr. Sholes, from the select committee, to which a petition from the inhabitants of Navarino and Astor was referred on the 9th inst., reported the following, viz:

No. 18, "A bill to repeal an act entitled 'An act to change the corporate limits and powers of the town of Green Bay.'"

Which was read a first and second time, and

Ordered, That the same do lie on the table and be printed.

The Speaker laid before the House the report of Moses M. Strong, fiscal agent of the Territory, called for by a resolution of this House on the 16th inst., which was read.

(See Appendix, document F.)

On motion of Mr. Childs,

Ordered, That 150 copies of the said report be printed for the use of this House.

The House then proceeded to the orders of the day, being bills, &c., on their third reading.

No. 4, entitled "A bill to establish certain ferries therein named," was then read a third time.

On the question "shall this bill pass?" the ayes and noes were called for by Mr. Jenkins, and were as follows:

Ayes—Messrs. Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Shackelford, Shew and Street—13.

Noes—Messrs. Baldwin, Beardsley, Jenkins, Longstreet, Newman, Ray, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—12.

The title of the bill was then agreed to.

No. 10, entitled, "A bill to provide for laying out a Territorial road from Geneva lake to Fon du Lac," was read a third time and passed.

The title was amended, by striking out Geneva lake and inserting Troy.

Ordered, That the Council be requested to concur therein.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 2, "A memorial to Congress relative to confirming the titles to lots one, two and three of section thirty-two, town seven, range twenty-two."

No. 12, "A bill to provide for recording contracts relating to lands, and for other purposes."

The said bill and memorial were then severally read the third time, passed, and titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

Mr. Brunson, from the select committee, to which was referred the petition of inhabitants of Crawford county, reported bill No. 19, which was read the first and second time, and ordered to be printed, entitled as follows:

"A bill to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

Mr. Childs, from the select committee to which the subject was referred, reported bill No. 20, entitled

"A bill to provide for the location and sale of university lands;"

Which was read the first and second time and ordered to be printed.

On motion of Mr. Brunson,

The House took up bill No. 1, entitled "A bill to legalize the proceedings of the county officers of Crawford county therein referred to."

And it being read the third time, the question was put, "shall the said bill pass?"

And the ayes and noes being called for by Mr. McGregor, were taken and were as follows:

Ayes—Messrs. Billings, Bracken, Brunson, Childs, Conroe, Craig, Jenkins, Longstreet, Street, Sutherland and Whiton, speaker—11.

Noes—Messrs. Baldwin, Beardsley, Cruson, Dewey, Hoyt, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story and Wells—14.

So the said bill was lost.

Mr. Wells, by leave, introduced resolution No. 9, entitled "Resolution relating to the fiscal agency of Moses M. Strong."

On motion of Mr. Shew,

The following resolution was adopted:

Resolved, That there be a committee appointed of one from each election district, to which shall be referred the report of the committee on internal improvements in relation to the Milwaukee and Rock river canal, together with all other information in relation to said canal that is now in possession of the House, and that the said committee be instructed to report by bill or otherwise.

The Speaker appointed Messrs. Shew, Childs, Stevens, Beardsley, Sutherland, Baldwin, Dewey, and Brunson, the committee under the said resolution.

Message from the Council by the secretary thereof:

"Mr. Speaker—The Council have passed bills as follows, in which the concurrence of this House is requested, viz:

"No. 8, 'A bill to create the office of superintendant of common schools, and to prescribe the duties of such office;' and,

"No. 10, 'A bill to divide the town of Delevan, and for other purposes;'

"And have concurred in a resolution of the House (No. 8) entitled 'resolution relating to the distribution of the local laws.'

"Messrs. Vineyard, Maxwell and Bullen have been appointed the committee on the part of the Council, under the resolution relating to the public printing.

"The Governor has notified the Council that he did on this day examine and approve the following:

"'An act to divide the towns of Kinnikinick and Lisbon, and to change the name of Prairie Village.'

"'An act to amend an act, entitled, an act to provide for and regulate general elections.'

"'An act to amend an act, entitled, an act to provide for a territorial reveue;' and,

"'Memorial to Secretary of War, for the construction of a military road from Fort Howard to Fort Snelling.'"

And then he withdrew.

Mr. Billings moved to adjourn, which was disagreed to.

On motion of Mr. Shew,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

On motion of Mr. Conroe,

The following bills and memorials from the Council were read the first and second time, viz:

No. 6, "A bill to authorize the building a bridge across the Fox river in the county of Brown."

No. 8, "A bill to create the office of superintendent of common schools, and to prescribe the duties of said office."

No. 10, "A bill to divide the town of Delevan, and for other purposes."

No. 4, "Memorial to Congress for an appropriation for the establishment of a penitentiary."

On motion of Mr. Conroe,

The House resolved itself into the committee of the whole, for the consideration of the following bills, Mr. Sholes in the chair, viz:

No. 14, "A bill concerning attorneys."

No. 15, "A bill to amend an act of the Revised Statutes of 1839, entitled 'An act concerning the supreme, and district courts.'"

No. 17, "A bill to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river, and for other purposes."

After some time the committee rose, and reported the said bills to the House, No. 14 without amendment, and Nos. 15 and 17 with amendments.

Mr. Bracken moved to amend bill No. 14, by striking out the first line of the second section, which reads, "He shall be a resident of this Territory."

The question being put "shall the amendment be adopted?"

And the ayes and noes being called for, by Mr. Wells, there were ayes 6, noes 19.

Those who voted in the affirmative were, Messrs. Billings, Bracken, Conroe, Craig, Jenkins and Stevens.

Those who voted in the negative were, Messrs. Baldwin, Beardsley, Brunson, Childs, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Story, Street, Sutherland, Wells and Whiton, speaker.

So the amendment was not adopted.

The amendments to bills Nos. 15 and 17, were then severally agreed to.

Ordered, That the said bills Nos. 14, 15 and 17 be engrossed and read a third time.

Mr. Bracken, from the select committee to which that portion of the Governor's message was referred which relates to the granting of pre-emption rights to miners, reported the following memorial, which was read a first and second time, viz:

No. 3, "Memorial to Congress concerning pre-emption rights to miners."

Ordered, That 150 copies of the same be printed for the use of this House.

On motion of Mr. Sholes,

The House adjourned until Monday next, at 10 o'clock A. M.

MONDAY, December 23, 1839.

Mr. Childs presented the petition of citizens of Dane county, praying that an additional term of the district court may be held in April of each year.

On motion of Mr. Childs,

Ordered, That the said petition be referred to a select committee.

The Speaker appointed Messrs. Childs, Jenkins and Dewey.

Mr. Longstreet, from the joint committee on enrolment, reported that the said committee did, on the 20th inst., submit to the Governor for his approval, an act entitled

"An act to establish a Territorial road from Madison to Frankfort in Dodge county."

Mr. Shackelford, from the select committee to which a petition of citizens of Brown county, relating to the seat of justice of said county, was referred, reported the following bill:

No. 21, "A bill relative to the seat of justice of Brown county."

Which was read a first and second time, and

Ordered, That the same do lie on the table and be printed.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 1, "A memorial of the Legislative Assembly, in behalf of the settlers upon the even sections, reserved to the United States by the law granting a quantity of lands to aid in the construction of the Milwaukee and Rock river canal."

No. 3, "A substitute for a bill entitled 'A bill relating to the duties of the register of deeds of the county of Rock.'"

No. 7, "A bill to provide for laying out and establishing certain Territorial roads therein referred to."

Mr. Shackelford, from the joint committee on enrolled bills, reported resolution No. 8, entitled

"A resolution relative to the distribution of the local laws," to be correctly enrolled.

When the Speaker signed the same.

The Speaker laid before the House a message from the Executive, stating that he did on the 21st inst., examine and approve "An act to establish a Territorial road from Madison to Frankfort in Dodge county."

The Speaker also laid before the House a memorial of the Milwaukee and Rock river canal company.

(See Appendix, document G.)

Which was read, and,

On motion of Mr. Sholes,

Ordered, That the same be referred to the select committee to which all the papers and documents in relation to the Milwaukee and Rock river canal were referred on the 20th inst., consisting of Messrs. Shew, Childs, Stevens, Beardsley, Sutherland, Baldwin, Dewey and Brunson.

The House then proceeded to the orders of the day; when

No. 9, "Resolution relating to the fiscal agency of Moses M. Strong," was read a second time.

No. 3, "Substitute for a bill entitled, 'A bill relating to the register of deeds of the county of Rock,'" was recommitted to the committee on engrossed bills.

The following bill and memorial were severally read the third time, passed and titles agreed to, entitled as follows:

No. 7, "A bill to provide for laying out and establishing certain Territorial roads therein referred to."

No. 1, "A memorial of the Legislative Assembly, in behalf of the settlers upon the even sections reserved to the United States by the law granting a quantity of lands to aid in the construction of the Milwaukee and Rock river canal."

Ordered, That the concurrence of the Council be requested in the said bill and memorial.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, Mr. Baldwin in the chair, having under consideration memorials of the Council as follows:

No. 2, "Memorial to Congress for appropriation for harbors."

No. 4, "Memorial to Congress for an appropriation for the establishment of a penitentiary."

After a short time the committee rose, and by their chairman reported the said memorials to the House without amendments.

The said memorials were then severally ordered to the third reading, and were read a third time, passed and the titles thereof agreed to.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Street,

The House took up and considered the report of the committee on corporations, relating to the Bank of Mineral Point and the Milwaukee Fire Insurance Company.

Mr. Bracken moved the adoption of the following resolution:

Resolved, That so much of the report of the committee on corporations, as relates to the Bank of Mineral Point, be referred to a select committee of three, with instructions to report a resolution for the appointment of a committee to examine into the affairs of the Bank of Mineral Point, and report to the Governor for the information of the citizens of the Territory, the situation of said Bank, and further to report to the Governor the arrangement entered into by the said Bank with the State Bank of Missouri, for the redemption of Mineral Point Bank bills at the counter of the said State Bank of Missouri, and all other matters and things touching said Bank, which would be calculated to give confidence to the citizens of this Territory in the bills of said Bank, to the end that the bills of the only bank in the Territory may pass at their par value throughout the Territory.

Mr. Sholes moved to amend the said resolution offered by Mr.

Bracken, by striking out all after the word "Resolved," and inserting the following in lieu thereof:

"That the cashier of the Bank of Mineral Point be required to transmit to this House forthwith, under oath, such statements in relation to the condition of the institution as he is required to by the charter, and that he be also requested to transmit a copy of the agreement which exists, if any, between the bank of which he is the cashier, and the Bank of Missouri, in relation to the redemption of the notes of the former by the latter."

The ayes and noes being called on the question to agree to said amendment were taken and were as follows:

Ayes—Messrs. Beardsley, Conroe, Cruson, Dewey, Jenkins, McGregor, Shackelford, Shew, Sholes and Story—10.

Noes—Messrs. Baldwin, Billings, Bracken, Brunson, Childs, Craig, Hoyt, Longstreet, Newman, Ray, Stevens, Street, Wells and Whiton, speaker—13.

So the amendment was lost.

Mr. Story moved to amend the resolution as follows, strike out all after the word "and," in the 14th line and insert the following words:

"All other necessary information with respect to the condition of the bank that may come to the knowledge of the committee, which may be considered by them as important to be communicated."

The said amendment was agreed to.

The question then recurred on the passage of the resolution as amended, and the ayes and noes being called for, were taken and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Hoyt, Longstreet, McGregor, Newman, Ray, Stevens, Story, Street, Wells and Whiton, speaker—19.

Noes—Messrs. Dewey, Jenkins, Shackelford, Shew, and Sholes—5.

So the said resolution was adopted.

The question then recurred on that part of the report relating to the Milwaukee Fire Insurance Company, which reads as follows:

"*Resolved,* That the Attorney-General of the Territory be requested to report to this House, as soon as possible, all information in, or that may come into his possession, relative to the banking operations of the Wisconsin Marine and Fire Insurance Company."

Mr. Street moved the following amendment. Add to the resolution the words,

"And that the chief clerk of the House furnish the Attorney-General with a copy of this resolution."

Mr. Bracken moved to postpone the resolution and amendment, and pending the question thereon,

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

The House resumed the consideration of the resolution relating to the Wisconsin Marine and Fire Insurance Company.

Mr. Bracken moved the following resolution:

Resolved, That so much of the report of the committee on corporations, and the resolution by them reported, touching the Wisconsin Marine and Fire Insurance Company, be referred back to the said committee, with instructions to report a resolution for the appointment of a committee of three persons, to be appointed by this House, to examine into the affairs of said company and to report to the Governor—Whether the affairs of the said company have been conducted in conformity to the 2d, 6th and 10th sections of their charter: whether any policies of insurance have been granted by the said company to any citizen of this Territory, either on land or water; and whether the intention of the Legislature in granting the said Marine and Fire Insurance Company has not clearly been avoided, by the president and directors discounting, either at Milwaukee or elsewhere, negociable notes, for which they have issued either at Milwaukee or elsewhere, bills or certificates of deposite, issued by said Marine and Fire Insurance Company.

And further, If the committee find that the said corporation have in the foregoing, or any other manner, violated its charter or abused its privileges, that then the said committee shall report the same to the Governor, who shall be authorized to direct the Attorney-General of the Territory to take such legal measures as will enable him to enquire into the violations and abuses of said company before the proper judicial tribunal of the Territory..

The ayes and noes were called for on the question, "Shall this resolution pass?" and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Bracken, Brunson, Childs, Craig, Cruson, Hoyt, Jenkins, Longstreet, Ray, Shackelford, Stevens, Story and Wells—16.

Noes—Messrs. Conroe, Dewey, McGregor, Newman, Shew, Sholes, Street and Whiton, speaker—8.

So the resolution was adopted.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed bill No. 16, entitled 'A bill to prevent the sale of intoxicating liquors to Indians,' in which I am directed to ask the concurrence of this House, viz:

"No. 1, 'Memorial of the Legislative Assembly, in behalf of the settlers on the even sections reserved to the United States, by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal;' and,

"No. 2, A memorial to Congress relative to 'confirming the titles to lots one, two and three, of section thirty-two, town seven, range twenty-two east.'"

And then he withdrew.

The question then recurred on the resolution reported by the committee on corporations, relating to the appointment of Bank Commissioners, when,

On motion of Mr. Childs,

Ordered, That the said resolution and all that part of the report of said committee which has not been referred, be referred back to the committee on corporations.

On motion of Mr. Childs,

The House resolved itself into committee of the whole, Mr. Street in the chair, having under consideration bills from the Council, as follows, viz:

No. 4, "A bill to change the time of holding the district court in and for the county of Racine, and for other purposes;" and,

No. 6, "A bill to authorize the building of a bridge across the Fox river in the county of Brown."

After a short time the committee rose and reported the said bills to the House, No. 4 with and No. 6 without amendments.

The House agreed to the amendments to bill No. 4.

Mr. Wells moved that bill No. 4 be laid on the table for the present, which was decided in the negative.

The question was then put, "shall the bill be ordered to the third reading?"

And the ayes and noes being called for, by Mr. Wells, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Shackelford, Sholes, Stevens and Whiton, speaker—19.

Noes—Messrs. McGregor, Shew, Story and Wells—5.

So the said bill was ordered to the third reading.

Mr. Shackelford moved to amend bill No. 6, by adding to the first line in the 8th section, after the word "Legislature," the words "at any time repeal or."

On motion of Mr. Childs,

Ordered, That the said bill be laid on the table for the present.

On motion of Mr. Street,

The House adjourned.

TUESDAY, December 24, 1839.

Mr. Conroe presented the petition of citizens of Manitouwoc county, praying that the seat of justice of Brown county be removed from Depere to Green Bay.

Ordered, That the same be referred to the select committee to which a similar petition from the citizens of Brown county was referred, consisting of Messrs. Shackelford, Childs and Baldwin.

Mr. Story presented the petition of inhabitants of Milwaukee county, praying that town seven, range twenty-one east, be organized into a separate township to be called Bloomfield.

On motion of Mr. Story,

Ordered, That the same be referred to a select committee of three.

The Speaker appointed Messrs. Story, Longstreet and Shew said committee.

Mr. Bracken, by leave, introduced bill No. 22, entitled "A bill to license teamsters."

Which was read a first and second time.

Ordered, That the said bill do lie on the table and be printed.

Mr. Longstreet, from the joint committee on enrolment, reported that the said committee did, on the 23d inst., submit to the Governor for his approval, resolution, entitled

"A resolution relative to the distribution of the local laws."

The Speaker appointed Messrs. Bracken, Baldwin and Story, the committee under the resolution of yesterday, referring so much of the report of the committee on corporations as relates to the affairs of the Bank of Mineral Point:

The Speaker laid before the House a message from the Executive, stating that he had this day examined and approved a resolution entitled

"A resolution relative to the distribution of the local laws."

On motion of Mr. Brunson,

Ordered, That bill No. 5, entitled "A bill to organize the county of St. Croix," be taken up and committed to the committee of the whole House now.

The House then resolved itself into the committee of the whole, Mr. Shew in the chair, having under consideration said bill No. 5, and bill No. 19, entitled

"A bill to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

After some time the committee rose and, by their chairman, reported the said bills to the House, No. 5 without, and No. 19 with an amendment.

On motion of Mr. Brunson,

Ordered, That bill No. 5 be committed to a select committee of three.

The Speaker appointed Messrs. Brunson, Wells and Cruson, said committee.

Mr. Brunson moved to amend the amendment of the committee to bill No. 19, by inserting "one hundred," in the place of "fifty;" which motion was disagreed to.

The amendment to the said bill was then agreed to.

Mr. Brunson moved to amend the said bill, by inserting between the words "persons" and "so," in the 7th line, the words, "except mineral lots;" which was agreed to.

Ordered, That the said bill be engrossed and read a third time.

Mr. Shackelford moved to reconsider the vote of yesterday, by which bill No. 4, (Council file,) entitled "A bill to change the time of holding the district court in and for the county of Racine, and for other purposes," was ordered to a third reading.

The ayes and noes being called for, on the question to reconsider, there were ayes 19, noes 5.

Those who voted in the affirmative were, Messrs. Baldwin, Bracken, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Wells and Whiton, speaker.

Those who voted in the *negative* were, Messrs. Beardsley, Billings, Brunson, Jenkins and Street.

So the vote of yesterday, by which said bill No. 4 was ordered to be read a third time was reconsidered.

On motion of Mr. Childs,

Ordered, That the said bill do lie on the table, and be made the order of the day for Friday next.

Mr. Childs from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 3, "Substitute for a bill relating to the duties of registers of deeds."

No. 14, "A bill concerning attorneys."

No. 15, "A bill to amend an act of the Revised Statutes of 1839, entitled 'An act concerning the supreme and district courts;'" and,

No. 17, "A bill to authorize Wm. H. Bruce, and others, to build and maintain a dam on the Manitouwoc river."

Mr. Childs, from the select committee to which the petition of Joseph R. Brown and wife was referred, reported bill No. 23, entitled

"A bill to annual the marriage contract of Joseph R. Brown and Margaret Brown."

Which was read a first and second time.

On motion of Mr. Childs,

Ordered, That the select committee to which was referred memorials and papers relating to the Milwaukee and Rock river canal, be excused from attendance in the House this afternoon.

On motion of Mr. Wells,

The House adjourned.

WEDNESDAY, December 25, 1839.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed bill No. 2, entitled 'A bill to organize the counties of Calumet and Winnebago, and for other purposes,' in which I am directed to ask the concurrence of this House."

And then he withdrew.

Mr. Bracken moved that the House do now resolve itself into the commtttee of the whole, on memorial No. 3, entitled

"Memorial to Congress concerning pre-emption rights to miners,"

And pending said motion,

Mr. Billings moved that a call of the House be made, and absent members sent for, which was agreed to.

On motion of Mr. Sholes,

Mr. Childs was excused from attendance in the House to-day, on account of illness.

On motion of Mr. Longstreet,

Leave of absence was granted to Mr. Ray until Monday next.

On motion of Mr. Shew,

Leave of absence was granted to Mr. Sutherland, until Friday next.

A call of the House was then made, and the serjeant-at-arms was sent after Messrs. Beardsley, Jenkins and Shackelford.

The serjeant-at-arms reported Mr. Jenkins in attendance, and that Mr. Beardsley was indisposed and unable to attend in the House, and that Mr. Shackelford could not be found at his lodgings.

The House then resolved itself into the committee of the whole, Mr. Story in the chair, having under consideration said memorial No. 3.

After some time the committee rose and, by their chairman, reported that they had made progress therein, and asked leave to sit again.

Leave was granted.

The House then proceeded to the orders of the day, being bills on their passage; when,

On motion of Mr. Wells,

Ordered, That bill No. 3, entitled "Substitute for a bill relating to the duties of registers of deeds," do lie on the table for the present.

No. 14, "A bill concerning attorneys," was read a third time, passed and the title thereof agreed to.

No. 15, "A bill to amend an act of the Revised Statutes of 1839, entitled 'An act concerning the supreme and district courts,'" was read a third time, when

Mr. Dewey obtained the unanimous consent of the House to amend the said bill, by inserting between the words "to" and "office," in the 8th line of the 4th section, the word "the;" and also by adding the letter "r" to the word "office," in the same line.

The said bill was then passed, and the title thereof agreed to.

Ordered, That the clerk request the concurrence of the Council in said bills.

On motion of Mr. Sholes,

Ordered, That bill No. 17, entitled "A bill to authorize William H. Bruce, and others, to erect and maintain a dam on the Manitouwoc river," be referred back to the committee on engrossed bills.

Mr. Wells, from the committee on the judiciary, reported bill No. 24, entitled

"A bill to provide for the support of common schools, and for other purposes."

Which was read a first and second time and ordered to be printed.

On motion of Mr. Billings,

The House adjourned.

THURSDAY, December 26, 1839.

Mr. John W. Blackstone, a member of this House from the county of Iowa, appeared and took his seat.

Mr. Bracken, by leave, introduced resolution No. 10, entitled

"Resolution relating to the appointment of Samuel B. Knapp fiscal agent."

Which was read a first and second time.

Mr. Shackelford, from the joint committee on enrolment, reported No. 1, "A memorial of the Legislative Assembly, in behalf of the settlers upon the even sections reserved to the United States, by the law granting a quantity of lands to aid in the construction of the Milwaukee and Rock river canal," to be correctly enrolled.

When the Speaker signed the same.

On motion of Mr. Story,

The House then went into the committee of the whole, on resolution No. 10, entitled "Resolution relating to the appointment of Samuel B. Knapp fiscal agent," Mr. Longstreet in the chair.

After some time the committee rose and, by their chairman, reported the said resolution to the House with amendments.

Which were agreed to.

Mr. Bracken moved to fill the blank in the 5th line of the second resolution with the words "twenty thousand."

The motion was agreed to.

Mr. Cruson moved to amend the resolution by inserting the words "per annum," after the words "per cent," in the 6th line of the second resolution.

The amendment was agreed to.

Mr. Shackelford moved to lay the resolution on the table: and the ayes and noes being called for, on said motion,

It was decided in the negative, ayes 3, noes 20.

Those voting in the affirmative were, Messrs. Jenkins, Shackford and Sholes.

Those voting in the negative were, Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Conroe, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Shew, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker.

The said resolution was then ordered to be engrossed and read a third time.

Mr. Sholes offered the following resolution:

Resolved, That William B. Slaughter, Esq., Secretary of the Territory, be requested to report to this House, as soon as practicable, the amount of money in his possession, for the payment of the expenses of the Legislative Assembly; and what arrangement he has made, if any, for procuring funds for the payment of the Legislative expenses.

The resolution was adopted.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed bill No. 12, entitled 'A bill to provide for the construction of a bridge across the Milwaukee river,' in which I am directed to ask the concurrence of this House."

And then he withdrew.

Mr. Conroe moved to suspend the rules which prohibits bills being read a second and third time on the same day, in order that resolution No. 10, entitled "Resolution relating to the appointment of Samuel B. Knapp fiscal agent," may be read a third time now.

And the ayes and noes being called for, it was decided in the negative, ayes 8, noes 15.

Those who voted in the affirmative were, Messrs. Bracken, Brunson, Conroe, Craig, Longstreet, Street, Wells and Whiton, speaker.

Those who voted in the negative were, Messrs. Baldwin, Billings, Blackstone, Cruson, Dewey, Hoyt, Jenkins, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Story and Sutherland.

On motion of Mr. Wells,

Bills from the Council were read a first and second time, entitled as follows:

No. 2, "A bill to organize the counties of Calumet and Winnebago, and for other purposes."

No. 12, "A bill to provide for the construction of a bridge across the Milwaukee river." And, No. 16, "A bill to prevent the sale of intoxicating liquors to Indians."

On motion of Mr. Wells,

The House resolved itself into a committee of the whole, on said bills, Mr. Blackstone in the chair.

After some time the committee rose and, by their chairman, reported the said bills to the House, Nos. 2 and 16 with, and No. 12, without amendments.

The amendments to bills Nos. 2 and 16 were then severally agreed to.

On motion of Mr. Sholes,

Ordered, That bill No. 2 do lie on the table for the present.

Mr. Story moved that bill No. 12 be laid on the table,

Which was decided in the negative.

Bills Nos. 12 and 16 were then severally ordered to be read a third time.

Mr. Sholes moved that bill No. 2 be now taken up and considered.

Which motion was agreed to.

Mr. Sholes offered the following amendments to said bill; which were severally agreed to, viz:

Fill the first blank in the first section with the words "first Mon," and fill the second blank in the same section with the word "March."

Strike out the word "organized" at the close of the 6th line of the first section. Also strike out, in the 7th line of the same section, the words "except as hereinafter mentioned," and insert in lieu thereof, the words "organized for county purposes."

Fill the first blank in the 4th section with the words "first Mon" and the second with the word "March."

Mr. Street moved that the House do now adjourn until 3 o'clock P. M.

Which was disagreed to.

Mr. Billings offered the following resolution:

Resolved, That the president of the Milwaukee and Rock river canal company, be requested to inform the House upon what terms said company will surrender to the Territory the privileges conferred upon them by the act of their incorporation.

The resolution was adopted.

On motion of Mr. Wells,

The House adjourned.

FRIDAY, December 27, 1839.

Mr. Sholes presented a communication from the Secretary of the Territory, with accompanying documents.

On motion of Mr. Sholes,

Ordered, That so much of the communication and documents as relates to the publication of the Revised Statutes, be referred to the joint committee appointed to settle the accounts of the agent to procure and superintend the publication of the said Statutes, and the remaining part of the communication to the committee on claims.

Mr. Beardsley presented the petition of inhabitants of the town of Troy, in Walworth county, praying for a change in county government.

Referred to the following select committee, viz:

Messrs. Beardsley, Wells and Childs.

Mr. Childs presented a remonstrance of citizens of Brown county against the removal of the seat of justice of said county.

Referred to the committee to which a petition on the same subject was referred.

Mr. Bracken presented the accounts of James L. Thayer and L. H. Cotton, for services and expenses incurred as commissioners of public buildings.

Referred to the committee on claims.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 10, "Resolution relating to the appointment of Samuel B. Knapp, fiscal agent."

No. 17, "A bill to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river."

No. 19, "A bill to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

The House then proceeded to the orders of the day, being bills and resolutions on their passage.

On motion of Mr. Sholes,

Bill No. 2, entitled, "A bill to organize the counties of Calumet and Winnebago," was amended by unanimous consent, and was then read the third time, passed, and the title amended to read "A bill to organize the county of Calumet."

The undermentioned bills and resolution were then severally read the third time, passed and titles agreed to, viz:

No. 12, (Council file,) "A bill to provide for the construction of a bridge across the Milwaukee river."

No. 16, (Council file,) "A bill to prevent the sale of intoxicating liquors to Indians."

No. 17, (H. R. file,) "A bill to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river."

No. 19, (H. R. file,) "A bill to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

No. 10, "Resolution relating to the appointment of Samuel B. Knapp fiscal agent."

Ordered, That the Council be requested to concur in said bills, and the amendments to bills Nos. 2 and 16, Council file.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed bills and resolutions as follows, in which they request the concurrence of the House of Representatives, viz:

"No. 11, 'A bill to incorporate the Michigan and Rock river rail-road company.'

"No. 19, A bill to amend an act entitled, 'An act relating to the militia.'

"No. 20, 'A bill to exonerate the several counties in the Territory from the payment of certain taxes.'

"No. 22, 'A bill to amend an act concerning the lien of mechanics, and others, for repairs and improvements on real estate.'

"No. 3, 'Resolution relative to adjournment of the Legislature;' and,

"No. 4, 'Resolution to locate the university lands.'"

And then he withdrew.

On motion of Mr. Wells,

Bill No. 3 was committed to the committee of the whole.

On motion of Mr. Wells,

The House then resolved itself into the committee of the whole, Mr. Shackelford in the chair, having under consideration the following bills and resolution, viz:

No. 3, "Substitute for a bill relating to the duties of registers of deeds."

No. 20, "A bill to provide for the location and sale of the university lands."

No. 24, "A bill to provide for the support of common schools, and for other purposes;" and,

No. 9, "A resolution relating to the fiscal agency of Moses M. Strong."

After some time the committee rose and reported the said several bills and resolution with amendments.

The amendments made to bill No. 3 were agreed to, and the said bill ordered to be engrossed for a third reading.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

The House resumed the consideration of resolution No. 9, and bills Nos. 20 and 24, when

Mr. Bracken moved a call of the House, which was ordered.

A call of the House was then made, and the serjeant-at-arms sent after absent members.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which was signed by the Speaker, viz:

"A memorial to Congress relative to confirming the titles to lots one, two and three, of section thirty-two, town seven, range twenty-two east."

The serjeant-at-arms having reported the absent members in attendance, bill No. 20 was taken up, and the report of the committee agreed to.

Mr. Conroe moved that the said bill be laid on the table, and the ayes and noes being called, it was decided in the affirmative; ayes 14, noes 11.

Those who voted in the affirmative were, Messrs. Baldwin, Beardsley, Billings, Brunson, Conroe, Cruson, Dewey, McGregor, Shackelford, Shew, Sholes, Street, Sutherland and Whiton, speaker.

Those who voted in the negative were, Messrs. Blackstone, Bracken, Childs, Craig, Hoyt, Jenkins, Longstreet, Newman, Stevens, Story and Wells.

The House agreed to the amendments of the committee to resolution No. 9, and the said resolution was ordered to be engrossed and read a third time.

The amendments to bill No. 24 were agreed to.

Mr. Bracken moved to amend the bill by inserting after the word "taxes," in the 7th line of the 4th section, the words "provided the taxes so levied shall not exceed five per cent."

The ayes and noes being called on the question to agree to the amendment, there were ayes 13, noes 12.

Those voting in the affirmative were, Messrs. Baldwin, Billings, Blackstone, Bracken, Craig, Cruson, Dewey, McGregor, Shackelford, Shew, Story, Sutherland and Wells.

Those voting in the negative were, Messrs. Beardsley, Brunson, Childs, Conroe, Hoyt, Jenkins, Longstreet, Newman, Sholes, Stevens, Street and Whiton, speaker.

So the amendment was agreed to.

Ordered, That the said bill be engrossed and read a third time.

Mr. Childs gave notice that on some future day, he should ask leave to introduce a bill to authorize Hamilton Stevens to build and maintain a dam across the outlet of Fox Lake, in Dodge county; and, also, a bill to lay out and establish a Territorial road from Fort Howard, on the west side of Fox river, to Knaggs' ferry, at Butte des Mort, in Brown county.

Mr. Baldwin gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to incorporate the stockholders of the Bank of Simpce.

The House then took up the special order of the day, being bill No. 4, (Council file,) entitled "A bill to change the time of holding the district court in and for the county of Racine, and for other purposes."

Mr. Billings moved that the bill be committed to the committee of the whole House now.

And pending the question thereon,

On motion of Mr. Dewey,

The House adjourned.

SATURDAY, December 28, 1839.

Mr. Longstreet, from the joint committee on enrolment, reported that the said committee did on the 27th inst., submit to the Governor for his approval, "A memorial of the Legislative Assembly, in behalf of the settlers on the even numbered sections reserved to the United States by the law granting a quantity of lands to aid in the construction of the Milwaukee and Rock river canal."

Mr. Shew, from the select committee to which the subject was referred, made the following report:

The select committee to which was referred the memorial of the Milwaukee and Rock river canal company, together with sundry other documents in relation to the same subject, beg leave to make the following Report;

That after having the matter under consideration, your committee deem it inexpedient to attempt to prosecute the work on said canal at present, for the following reasons;

1st. The embarrassed state of the currency of the United States, your committee believe would render it difficult, if not impossible, for the Territory to effect a loan on its bonds, without selling them at a discount.

2d. Your committee are of the opinion that to go on and expend the proceeds of the lands granted by Congress to aid in the construction of said canal, would be placing the Territory in a situation, either to be liable to the general government for the repayment of the money, or, to incur a much heavier debt, for the completion of said work, which would be useless without being finished.

3d. Your committee did not deem satisfactory the answers of the president of the canal company, to the resolution of this House, calling on the officers of said company for an exposition of their affairs, that the Territory might judge as to the propriety of prosecuting said work, in connection with the said company.

4th. That in the location of said canal by said company, your committee believe that great injustice was done to some of the settlers living on the government lands, by locating said canal and having the lands selected and sold without the acceptance of the Territorial engineer, and after this having been done, a new location made by the said company, by which a number of occupants upon said lands were thrown from six to eight miles from the line of said canal, and still compelled to pay two dollars and fifty cents per acre for their lands, and not entitled to the right of preemption,

5th. Your committee find a proposition in the communication from the president of the canal company to this House, that they (the company) would surrender their charter to the Territory, on conditions that they can be assured that the Territory will prosecute and complete said work.

Your committee believe that it would be a very improper course for the Legislature to take, to bind the Territory to perform certain things with her own means.

Your committee deem it unnecessary to give any further reasons, believing that the above are sufficient, and beg leave to report the accompanying bill for the consideration of this House, viz:

No. 25, entitled, "A bill to amend an act to provide for aiding in the construction of the Milwaukee and Rock river canal."

On motion of Mr. Cruson,

Ordered, That said report be accepted, the committee discharged, and the bill read the first and second time, and be printed with the accompanying documents.

The said bill was then read the first and second time.

Mr. Shackelford, from the committee on enrolment, reported "An act to provide for the construction of a bridge across the Milwaukee river," to be correctly enrolled.

Which was then signed by the Speaker.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 3, "Substitute for 'A bill relating to the duties of registers of deeds.'"

No. 9, "Resolution relating to the fiscal agency of Moses M. Strong."

The Speaker laid before the House a message from the Governor, notifying the House that he had on to-day examined and approved a "Memorial of the Legislative Assembly, in behalf of the settlers on the even sections reserved to the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal."

Mr. Brunson, from the select committee to which bill No. 5 was referred, reported a substitute for said bill, entitled "Substitute for a bill to organize the county of St. Croix."

Which was read the first and second time and ordered to be printed.

Mr. Childs, agreeably to notice for leave, introduced bill No. 26, entitled "A bill to authorize Hamilton Stevens, and others, to build and maintain a dam across the outlet of Fox Lake in Dodge county."

Which was read the first and second time and ordered to be printed.

Mr. Baldwin, agreeably to notice for leave, intraduced bill No. 27, which was read the first and second time and ordered to be printed, entitled "A bill to incorporate the stockholders of the Bank of Sinipee."

Mr. Wells, from the judiciary committee, reported bill No. 28, which was read a first and second time and ordered to be printed, entitled "A bill to amend an act of the Revised Statutes of the Territory of Wisconsin, entitled 'An act concerning judgments and executions.'"

The House then proceeded to the orders of the day, being bills on their passage.

No. 3, entitled "Substitute for a bill relating to the duties of registers of deeds," was read the third time, passed, and title amended to read,

"A bill relating to the duties of registers of deeds."

No. 9, "Resolution relating to the fiscal agency of Moses M. Strong," was read the third time, passed, and the title amended to read,

No. 29, "A bill relating to the fiscal agency of Moses M. Strong."

Ordered, That the clerk request the concurrence of the Council in the said bills.

Mr. Shackelford moved that the following bills be committed to the committee of the whole now, entitled as follows:

No. 18, "A bill to repeal an act entitled, 'An act to change the corporate limits and powers of the town of Green Bay.'"

No. 21, "A bill relative to the seat of justice of Brown county."

No. 23, "A bill to annul the marriage contract of Joseph R. Brown and Margaret Brown."

Mr. Childs moved to amend the motion by excluding therefrom bill No. 21; and the ayes and noes being called, by Mr. Shackelford, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—21.

Noes—Messrs. McGregor and Shackelford—2.

So the House decided that said bill should be excluded from the said motion.

The question was then taken on the motion of Mr. Shackelford, and was decided in the affirmative.

The House then went into the committee of the whole on said bills, Mr. Shew in the chair.

After some time the committee rose and reported the said bills with amendments, which were agreed to by the House, and the bills ordered to be engrossed for the third reading.

On motion of Mr. Billings,

The following resolutions and bills from the Council were read the first and second time, viz:

No. 3, "Resolution relative to the adjournment of the Legislature."

No. 4, "Resolution to locate the university lands."

No. 11, "A bill to incorporate the Michigan and Rock river rail-road company."

No. 20, "A bill to exonerate the several counties of the Territory from the payment of certain taxes;" and,

No. 22, "A bill to amend an act concerning the lien of mechanics, and others, for repairs and improvements on real estate."

On motion of Mr. Street,

The House resolved itself into the committee of the whole, Mr. Billings in the chair, on resolution No. 3, entitled "Resolution relating to the adjournment of the Legislature.

After a short time the committee rose and reported the resolution to the House without amendment.

Pending the question on ordering the said resolution to the third reading, a motion was made by Mr. Childs that the said resolution do lie on the table for the present, and the ayes and noes being called on the said motion, were as follows:

Ayes—Messrs. Beardsley, Billings, Blackstone, Bracken, Childs, Hoyt, Jenkins, Longstreet, McGregor, Shew, Sholes, Stevens and Whiton, speaker—13.

Noes—Messrs. Baldwin, Brunson, Conroe, Craig, Cruson, Dewey, Newman, Shackelford, Story, Street, Sutherland and Wells—12.

So the said resolution was laid on the table.

Mr. Bracken presented the accounts of the commissioners of the public buildings, and of the acting commissioner.

Referred to the committee on claims.

On motion of Mr. Street,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

The Speaker laid before the House a communication from Byron Kilbourn, Esq., president of the Milwaukee and Rock river canal company, in answer to a resolution of this House, which was read, and,

On motion of Mr. Billings,

Ordered to be printed.

(See Appendix, document H.)

The Speaker, also, submitted to the House a communication of Joseph Faucett, and others, praying that the Legislature pass a resolution requesting the Congress of the United States to adopt measures forthwith for calling a national convention, for the purpose of restraining and adjusting the abuses of legislation in regard to banking.

Mr. Bracken moved that the communication be referred to the same committee to which that part of the Governor's message was referred relating to the currency, which motion was decided in the negative.

The said communication was then referred to the following select committee, viz:

Messrs. Jenkins, Bracken and Shew.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, Mr. Baldwin in the chair, for the consideration of bills from the Council of the following titles, to wit:

No. 8, "A bill to create the office of superintendent of common schools, and to prescribe the duties of said office;" and,

No. 10, "A bill to divide the town of Delevan, and for other purposes."

After some time the committee rose and reported the said bills without amendment.

Mr. Street moved to amend bill No. 8, by striking out the ninth specification in section 3, which was disagreed to.

Message from the Council by their Secretary:

"Mr. Speaker—The Council have passed the following bills, in which they request the concurrence of the House, viz:

"No. 25, A bill to amend an act entitled 'An act to change the corporate limits and powers of the town of Milwaukee;' and,

"No. 26, A bill to amend an act entitled 'An act to prescribe the mode of proceedings in chancery, and for other purposes.'"

And then he withdrew.

The question then recurred on ordering bill No. 8 to a third reading, and the ayes and noes being called, there were ayes 7, noes 16.

Those who voted in the affirmative were, Messrs. Baldwin, Blackstone, Bracken, Brunson, Craig, Cruson and Street.

Those who voted in the negative were, Messrs. Beardsley, Childs, Conroe, Dewey, Hoyt, Jenkins, Longstreet, McGregor, Newman, Shew, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker.

So the said bill was lost.

Bill No. 10 was then ordered to a third reading.

Mr. Street presented the account of John W. Griffith, sheriff of Clayton county, for taking census.

Ordered, That the said account be referred to the committee on claims.

On motion of Mr. Sholes,

The House adjourned.

MONDAY, December 30, 1839.

Mr. Stevens presented petitions from citizens of Racine county, relating to the seat of justice of said county.

Ordered, That the same be referred to the committee on the judiciary.

Mr. Story presented the petition of citizens of the town of Brookfield, praying that said town may be divided, and moved that the same be referred to a select committee.

The Speaker appointed Messrs. Story, Ray and Longstreet, said committee.

Mr. Bracken presented the petition of William R. Smith, and others, in relation to the duties on imported lead.

Referred to a select committee, consisting of Messrs. Bracken, Baldwin and Jenkins.

Mr. Sutherland presented remonstrances from citizens of Dane county, against authorizing an additional term of the court to be held in said county.

Which were read and laid on the table.

Mr. Street, from the committee on corporations, reported bill No. 31, entitled

"A bill to incorporate the wardens and vestrymen of Trinity Church, at Mineral Point."

Which was read a first and second time and ordered to be printed.

Mr. Longstreet, from the joint committee on enrolment, reported that the said committee did, on the 28th inst., submit to the Governor, for his approval, "A memorial to Congress relative to confirming the titles to lots one, two and three, of section thirty-two, town seven, range twenty-two east."

Mr. Bracken offered the following resolution, which was adopted:

Resolved, That the president of the Milwaukee and Rock river canal company, be requested to furnish to this House the plans and drawings of said canal, and estimates of the cost of constructing the same, now in his possession.

Mr. Wells, from the committee on the judiciary, reported bills, which were read a first and second time, and ordered to be printed, entitled as follows, viz:

No. 32, "A bill in relation to assessors."

No. 33, "A bill relative to the writ of mandamus, and for other purposes."

No. 34, "A bill relating to strays."

Mr. Story presented the account of Horatio N. Wells, Attorney-General of the Territory, for services rendered and expenses incurred in commencing suit against the Bank of Wisconsin, and moved that the same be referred to a select committee.

Ordered, That the said account be so referred.

The Speaker appointed Messrs. Story, Bracken and Shew, said committee.

The Speaker laid befere the House a message from the Executive, notifying the House that he had this day approved and signed "A memorial to Congress relative to confirming the titles to lots one, two and three, of section thirty-two, town seven, range twenty-two east."

Mr. Street moved that the House do reconsider the vote of Saturday last, by which the communication from Thomas Fawcett, and others, was referred to a select committee.

The ayes and noes being called on the question to reconsider, there were ayes 9, noes 17.

Those who voted in the affirmative were, Messrs. Bracken, Craig, Cruson, McGregor, Newman, Shackelford, Shew, Story and Street.

Those who voted in the negative were, Messrs. Baldwin, Beardsley, Blackstone, Billings, Brunson, Childs, Conroe, Dewey, Hoyt, Jenkins, Longstreet, Ray, Sholes, Stevens, Sutherland, Wells and Whiton, speaker.

So the motion to reconsider was lost.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 18, "A bill to repeal an act entitled 'An act to change the corporate limits and powers of the town of Green Bay.'"

No. 23, "A bill to annual the marriage contract of Joseph R. Brown and Margaret Brown;" and,

No. 24, "A bill to provide for the support of common schools, and for other purposes."

The House then proceeded to the orders of the day, being bills, &c., on their passage, when

No. 18, "A bill to change the corporate limits and powers of the town of Green Bay," was read a third time, passed, and the title thereof agreed to.

No. 23, "A bill to annul the marriage contract of Joseph R. Brown and Margaret Brown," was read a third time, and the ayes noes being called for, by Mr. McGregor, on the question of its final passage, there were, ayes 14, noes 12.

Those who voted in the affirmative were, Messrs. Beardsley, Billings, Bracken, Brunson, Childs, Craig, Dewey, Hoyt, Longstreet, Shackelford, Sholes, Stevens, Street and Wells.

Those who voted in the negative were, Messrs. Baldwin, Blackstone, Conroe, Cruson, Jenkins, McGregor, Newman, Ray, Shew, Story, Sutherland and Whiton, speaker.

So the said bill was passed, and the title thereof was then agreed to.

No. 24, "A bill to provide for the support of common schools, and for other purposes," was read a third time, passed, and title thereof agreed to.

Ordered, That the clerk request the concurrence of the Council in the said several bills.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following bills, and request the concurrence of the House therein, viz:

"No. 17, 'A bill to provide for the support of illegitimate children.'

"No. 27, 'A bill limiting the term of office of all officers not now limited by law.'

"No. 29, 'A bill to establish the town of Bristol, in the county of Racine.'

"Have concurred in resolution No. 10, of this House, entitled 'Resolution relating to the appointment of Samuel B. Knapp fiscal agent,' with amendments thereto, in which the concurrence of this House is requested.

"And have non-concurred in the amendment of this House to bill No. 15, entitled 'A bill to prevent the sale of intoxicating liquors to Indians.'

"The Governor has notified the Council that he did on this day approve 'An act to provide for the construction of a bridge across the Milwaukee river.'"

And then he withdrew.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole, Mr. Dewey in the chair, having bills under consideration of the following titles, to wit:

No. 13, "A bill to amend an act concerning judgments and executions;" and,

No. 21, "A bill relative to the seat of justice of Brown county."

After some time the committee rose and reported bill No. 13 with, and bill No. 21 without amendments.

Mr. Childs called for the ayes and noes on the question of agreeing to the report of the committee on bill No. 13, and,

Pending the question thereon,

On motion of Mr. Shackelford,

Ordered, That the said bill do lie on the table.

A motion was then made by Mr. Childs, that bill No. 21 be recommitted to the same committee by whom it was reported, and that said committee be instructed to report on to-morrow.

And the ayes and noes being called for on the said motion, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Shew, Story, Street, Sutherland and Whiton, speaker—20.

Noes—Messrs. Conroe, McGregor, Shackelford, Sholes, Stevens and Wells—6.

Mr. Longstreet moved that bill No. 13 be taken up and considered, which was agreed to.

The question was then put, "Will the House agree to the report of the committee?"

And the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Conroe, Cruson, Dewey, Hoyt, McGregor, Newman, Shew, Sutherland, Wells and Whiton, speaker—13.

Noes—Messrs. Billings, Bracken, Brunson, Childs, Craig, Jenkins, Longstreet, Ray, Shackelford, Sholes, Stevens, Story and Street—13.

So the report of the committee was disagreed to.

A motion was then made by Mr. Longstreet, that the said bill, No. 13, be referred to a select committee, to consist of three, and the ayes and noes being called for on the said motion, there were ayes 15, noes 11.

Those who voted in the affirmative were, Messrs. Beardsley, Billings, Bracken, Brunson, Childs, Craig, Jenkins, Longstreet, Newman, Ray, Shackelford, Sholes, Stevens, Story and Street.

Those who voted in the negative were, Messrs. Baldwin, Blackstone, Conroe, Cruson, Dewey, Hoyt, McGregor, Shew, Sutherland, Wells and Whiton, speaker.

The Speaker appointed Messrs. Longstreet, Wells and Blackstone, the said committee.

Mr. Street, agreeably to notice for leave, introduced bill No. 35, which was read the first and second time, and ordered to be printed, entitled as follows:

"A bill to amend an act of the statutes of the Territory of Wisconsin, entitled 'An act concerning costs and fees.'"

Mr. Childs then moved that two more members be added to the committee to which bill No. 13 was referred, which was decided in the affirmative.

The ayes and noes being called on the said motion, there were ayes 16, noes 10.

Those who voted in the affirmative were, Messrs. Billings, Blackstone, Brunson, Childs, Craig, Jenkins, Longstreet, Newman, Ray, Shackelford, Sholes, Story, Street, Sutherland, Wells and Whiton, speaker.

Those who voted in the negative were, Messrs. Baldwin, Beardsley, Bracken, Conroe, Cruson, Dewey, Hoyt, McGregor, Shew and Stevens.

The Speaker appointed Messrs. Childs and Jenkins of the said committee.

Mr. Shew then moved that two more members be added to the said committee.

Pending the question thereon, a motion was made by Mr. Billings, that the House do now adjourn until 3 o'clock P. M.

And the ayes and noes being called on the said motion, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Brunson, Childs, Craig, Hoyt, Jenkins, Longstreet, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Whiton, speaker—18.

Noes—Messrs. Bracken, Conroe, Cruson, Dewey, McGregor, Newman, Street and Wells—8.

So the House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Sutherland, by leave, presented a petition from citizens of Dane county, praying that an additional term of court may be held in said county.

On motion of Mr. Sutherland,

Ordered, That the same do lie on the table for the present.

Mr. Shew renewed his motion to add two more members to the select committee to which bill No. 13 was committed.

The motion was not agreed to.

The House then took up the unfinished business of Saturday, being bill No. 42, (Council file,) entitled "A bill to change the time of holding the district court in and for the county of Racine."

On motion of Mr. Billings,

Ordered, That the said bill be recommitted to the committee of the whole House now.

The House then went into committee of the whole on said bill, Mr. Cruson in the chair.

After some time the committee rose and reported the bill to the House with amendments.

The ayes and noes being called for, on the question to agree to the amendments of the committee, there were ayes 16, noes 9.

Those who voted in the affirmative were, Messrs. Baldwin, Beardsley, Billings, Brunson, Conroe, Craig, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Street, Sutherland, Wells and Whiton, speaker.

Those who voted in the negative were, Messrs. Blackstone, Bracken, Childs, Cruson, McGregor, Shackelford, Shew, Sholes and Story.

So the amendments were agreed to.

Mr. Shackelford moved to refer the bill, and the several petitions and remonstrances relating to the same, to a select committee of three, and that the committee be instructed to strike from said petitions and memorials the names of all those who are not qualified jurors and report the same to the House.

The ayes and noes being called for, on the motion to refer to a select committee, there were ayes 11, noes 14.

Those who voted in the affirmative were, Messrs. Bracken, Childs, Dewey, McGregor, Newman, Shackelford, Shew, Sholes, Story, Sutherland and Wells.

Those who voted in the negative were, Messrs. Baldwin, Beardsley, Billings, Blackstone, Brunson, Conroe, Craig, Cruson, Hoyt, Jenkins, Longstreet, Ray, Street and Whiton, speaker.

So the motion was not agreed to.

The question then recurred on ordering the bill to the third reading now, and the ayes and noes being called, there were ayes 13, noes 12.

Those voting in the affirmative were, Messrs. Baldwin, Beardsley, Brunson, Billings, Conroe, Craig, Dewey, Hoyt, Jenkins, Longstreet, Ray, Street and Whiton, speaker.

Those voting in the negative were, Messrs. Blackstone, Bracken, Childs, Cruson, McGregor, Newman, Shackelford, Shew, Sholes, Story, Sutherland and Wells.

So the said bill was ordered to be read a third time now.

On motion,

A call of the House was made, and the serjeant-at-arms sent after Mr. Stevens, the absent member.

After short time, the serjeant-at-arms returned and reported Mr. Stevens in attendance.

The said bill was then read a third time, and the question being put, "Shall this bill pass?" and the ayes and noes being called for, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Brunson, Conroe, Craig, Dewey, Hoyt, Jenkins, Longstreet, Ray, Street and Whiton, speaker—13.

Noes—Messrs. Blackstone, Bracken, Childs, Cruson, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—13.

So the bill was lost.

Mr. Cruson gave notice that he should, on some future day, ask leave to bring in a bill to establish a Territorial road from Platteville to Sinipee, in Grant county.

The House then took up and considered the message from the Council, returning resolution No. 10 with amendments, entitled "Resolution relating to the appointment of Samuel B. Knapp fiscal agent," and bill No. 16, entitled "A bill to prevent the sale of intoxicating liquors to Indians;" in which the Council refused to concur in the amendments made by the House.

The House concurred in the amendments of the Council to resolution No. 10, and refused to recede from the amendments to bill No. 16.

On motion of Mr. Sholes,

Ordered, That a committee of conference be appointed on the said bill.

The Speaker appointed Messrs. Sholes and Wells the said committee.

Ordered, That the chief clerk acquaint the Council therewith, and request a conference.

Mr. Billings gave notice that he should, on a future day, ask leave to introduce a bill to amend the act organizing the county of Dane.

And then the House adjourned.

TUESDAY, December 31, 1839.

Mr. Beardsley presented petitions from the citizens of Rock county, relating to the removal of the seat of justice of said county.

Referred to the following select committee, viz:

Messrs. Beardsley, Story and Billings.

Mr. Beardsley presented a petition from citizens of Rock county, for a road to be laid out and established from Beloit to Mineral Point via New Mexico.

Ordered, That the same be referred to the committee on roads.

Mr. Sutherland presented a petition signed by Reuben O. Brown, and four others, praying that a spring term of court may be authorized to be held in Dane county.

Ordered, That the said petition do lie on the table for the present.

Mr. Billings presented the account of William T. Sterling, Territorial Librarian, for stationary furnished the Legislative Assembly.

Ordered, That the same be referred to the committee on claims.

The Speaker laid before the House the following message from the Executive.

EXECUTIVE DEPARTNENT,
Madison, Dec. 31, 1839.

To the Council and House of Representatives:

I herewith enclose a letter from the Governor of the State of New-York, to which I invite your attention: "To authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

I am, very respectfully,
Your ob't serv't,
HENRY DODGE.

Also, a message transmitting a copy of a letter, dated March 16, 1839, from the Hon. the Secretary of War, in answer to a resolution of the Legislative Assembly, asking for a supply of arms and the stationing of dragoons on the frontier, which was read and laid on the table.

(See Appendix, document I.)

Ordered, That the communication from the Governor of the State of New-York, and the act accompanying the same, be referred to the committee on the judiciary.

Mr. Shackelford, from the select committee to which bill No. 21, entitled "A bill relative to the seat of justice of Brown county," was recommitted, reported the same back to the House without amendment.

Mr. Childs, from a majority of the same committee, submitted the following report:

The select committee, to whom was referred the petition for, and the remonstrance against, the removal of the seat of justice of the county of Brown, have had the subject under consideration, and ask leave to report:

In the year 1837, in March, the question of the location of the seat of justice in the county of Brown, was, in accordance with an act of the Legislature, submitted to the qualified electors of said county. After much electioneering by the inhabitants of Green Bay, it was decided by a large majority of the electors, in said county, that the said location should be at Depere, the present seat of justice.

The county has since then erected a large and convenient court-house and jail, at an expense of more than $8,000, which is situated in a pleasant place in said town of Depere, and but five miles from Green Bay.

Since the question was submitted as aforesaid, the population has decreased in the town of Green Bay, (where the greatest and we believe the only objection to the location at Depere was made,) to a great extent; and the population in the upper port has greatly increased, by a class of persons who are permanent citizens, and your committee believe that the latter class are opposed to the removal of the seat of justice.

Those persons whose names are on the petition for removal are merchants and mechanics, or a large part of them, who pay no taxes towards the support of the county government, as the land only, and not the improvements, are taxed for that purpose, and consequently by thus voting or petitioning, they do not increase their own taxes, but those persons whose names are on the remonstrance are land-holders, and are taxed to defray the expenses of the county.

Your committee further report, that there is a majority of names before them of seventy against the removal, as prayed for in the petition, which fact, in connexion with those heretofore alluded to, have induced your committee to recommend that no legislation be had on the subject.

On motion of Mr. Shackelford,

The bill was read a first and second time by its title, and the report made by Mr. Childs was also read.

Mr. Shackelford moved that the report be laid on the table, and that 100 copies be printed for the use of the House, which motion was agreed to.

The ayes and noes being called there were ayes 14, noes 11.

Those who voted in the affirmative were, Messrs. Baldwin, Blackstone, Bracken, Brunson, Conroe, Craig, Hoyt, McGregor, Shackelford, Shew, Sholes, Stevens, Sutherland and Wells.

Those who voted in the negative were, Messrs. Beardsley, Billings, Childs, Dewey, Jenkins, Longstreet, Newman, Ray, Story, Street and Whiton, speaker.

The Speaker laid before the House the following communication, which was read and laid on the table.

To the Honorable House of Representatives:

The undersigned acknowledges the receipt of a communication from the chief clerk of your honorable body, enclosing a copy of a resolution adopted on the 30th inst., calling for the plans and estimates of the Milwaukee and Rock river canal; in response to which he begs leave to state, that in accordance with a similar resolution adopted by the honorable Council, he laid before that body the only copy which he had in possession of those estimates, prior to being notified of the passage of said resolution by your honorable body. He therefore begs leave to refer the honorable House of Representatives to said estimates so reported.

I have the honor to be,
Very respectfully,
Your ob't serv't,
BYRON KILBOURN,
Pr. M. & R. R. C. Co.

Madison, Dec. 31, 1839.

On motion of Mr. Street,

The House took up and considered resolution No. 3, (Council file,) entitled "Resolution relative to adjournment of the Legislature."

On motion of Mr. Billings,

Ordered, That the said resolution be recommitted to the committee of the whole House now.

The House then went into the committee of the whole, on said resolution, Mr. Conroe in the chair.

And after a short time, the same was reported back to the House with an amendment.

On motion of Mr. Billings,

The report of the committee was amended by striking out the word "next," in the last line of the resolution, and inserting in lieu thereof the words "eighteen hundred and forty."

The question then being on agreeing to the report of the committee,

On motion of Mr. Sutherland,

Ordered, That a call of the House be made, and the serjeant-at-arms sent after absent members.

A call of the House was then made and the serjeant-at-arms sent after Mr. Cruson, who was not in his seat.

The serjeant-at-arms having reported Mr. Cruson in attendance, the question was taken, "Will the House agree to the report of the committee as amended?"

And the ayes and noes being called for, there were ayes 16, noes 10.

Those voting in the affirmative were, Messrs. Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, Ray, Shew, Sholes, Stevens, Street and Whiton, speaker.

Those voting in the negative were, Messrs. Baldwin, Conroe, Jenkins, Longstreet, McGregor, Newman, Shackelford, Story, Sutherland and Wells.

So the House agreed to the report of the committee.

Mr. Shackelford moved to amend the resolution by striking out "Monday," and inserting "Thursday."

Which motion was decided in the negative.

The said resolution was ordered to the third reading.

On motion of Mr. Bracken,

The following resolution was adopted :

Resolved, That William B. Slaughter, Esq., late fiscal agent of the Legislative Assembly, be required to report to this House, as soon as practicable, the amount of money received by him from the State Bank of Missouri, on the faith of the Territory: Also, the amount received by him of Moses M. Strong, Esq., under the resolution of this House, approved February 8th, 1839, and to furnish this House an account in detail of the manner in which the said several sums of money have been disbursed under the act entitled "An act to provide for the compensation of the officers of the Legislative Assembly, and for other purposes;" and, also, setting forth whether any of said appropriations remain unpaid, and what balance, if any, of said sums received as aforesaid remains in his hands.

Mr. Baldwin presented the account of William McDonald for making a desk.

Referred to the committee on claims.

Mr. Bracken, from the committee on claims, to which was referred the accounts of the commissioners of public buildings, reported the same back to the House, when leave was granted the said commissioners to withdraw said accounts.

Mr. Shackelford, from the joint committee on enrolment, reported a "Resolution relating to the appointment of Samuel B. Knapp fiscal agent," to be correctly enrolled,

Which was then signed by the Speaker.

On motion of Mr. Conroe,

The House resolved itself into the committee of the whole, Mr. Bracken in the chair, for the consideration of bills of the following titles, to wit:

No. 5, "Substitute for a bill to organize the county of St. Croix."

No. 21, "A bill relating to the seat of justice of Brown county."

No. 26, "A bill to authorize Hamilton Stevens, and others, to build and maintain a dam across the outlet of Fox Lake, town thirteen, range thirteen, in Dodge county."

After some time the committee rose and reported bills Nos.

5 and 26 with amendments, and bill No. 21 without amendment.

Pending the question to agree to the report of the committee,

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

The House resumed the consideration of bills Nos. 5, 21 and 26, reported by the committee of the whole, and

The question being taken on agreeing to the amendments made by the committee to bill No. 5, it was decided in the negative.

Mr. McGregor offered the following amendment, which was agreed to.

Strike out all of the first section after the word "of," where it occurs the second time in the fourth line, and insert "the Chippewa river, and running thence a due east course to a point twenty miles west of the Wisconsin river, and continuing thence a due north course to the boundary line of the State of Michigan, be and the same is hereby constituted a separate and distinct county, which shall be named and styled the county of St. Croix."

The bill was then ordered to be engrossed and read a third time.

The question was then taken on ordering bill No. 21 to be engrossed and read a third time; and the ayes and noes being called, were as follows:

Ayes—Messrs. Conroe, Hoyt, McGregor, Shackelford, Sholes, Stevens, Sutherland and Wells—8.

Noes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Brunson, Childs, Craig, Cruson, Dewey, Jenkins, Longstreet, Newman, Ray, Shew, Story, Street and Whiton, speaker—17.

So the said bill was lost.

The House agreed to the amendments of the committee to bill No. 26, and

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On motion of Mr. Sholes,

Ordered, That the said bill do lie on the table for the present.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following, viz:

"No. 15, 'A bill to amend the act concerning justices of the peace;' and,

"No. 24, 'A bill to establish the county of Sac, and to define its limits;'

"In which the concurrence of this House is requested. And have concurred in bills of this House, as follows:

"No. 4, 'A bill to establish certain ferries therein named;' and,

"No. 18, A bill to repeal an act entitled, 'An act to change the corporate limits and powers of the town of Green Bay,' with amendments, in which the concurrence of this House is requested. And have concurred in

"No. 12, 'A bill to provide for recording contracts relating to lands, and for other purposes.' And have negatived

"No. 14, 'A bill concerning attorneys.'"

And then he withdrew.

The Speaker laid before the House the report of the Attorney-General of the Territory, and the accompanying document, relating to the proceedings had against the Bank of Wisconsin, in response to a resolution of the 10th inst.

Which were read, and

On motion of Mr. Sholes,

Ordered, That the report and accompanying document do lie on the table, and that two hundred copies thereof be printed for the use of this House.

Mr. Shackelford, from the committee on enrolment, reported the following to be enrolled, which were signed by the Speaker, viz:

"Memorial to Congress for an appropriation for the establishment of a penitentiary."

"Memorial to Congress for appropriations for harbors."

On motion of Mr. Shew,

The House resolved itself into the committee of the whole on bill No. 25, entitled "A bill to amend an act to provide for aiding in the construction of the Milwaukee and Rock river canal," Mr. Sholes in the chair.

After a short time the committee reported the progress made therein, and asked leave to sit again on Friday next.

Leave was granted.

Mr. Bracken moved that two hundred copies of the report and documents relating to the Milwaukee and Rock river canal be printed for the use of this House.

And pending the question thereon, and after debate, a motion was made by Mr. Billings that the House do now adjourn.

The ayes and noes being called on the said motion were taken and were as follows:

Ayes—Messrs. Baldwin, Billings, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Newman, Shew, Stevens and Wells—14.

Noes—Messrs. Beardsley, Bracken, Jenkins, Longstreet, Ray, Shackelford, Sholes, Story, Street and Whiton, speaker—10.

So the House adjourned.

WEDNESDAY, January 1, 1840.

Mr. Sutherland presented a petition from citizens of Jefferson county, relating to the construction of a bridge across the west branch of Rock river in said county.

Ordered, That the same be referred to the committee on roads.

Mr. Longstreet, from the joint committee on enrolment, reported that the said committe did, on the 31st day of December last, submit to the Governor, for his approval, a "Resolution relating to the appointment of Samuel B. Knapp fiscal agent."

Mr. Bracken presented the accounts of Foster H. Colton, Nathaniel C. Prentiss and James L. Thayer, for services as commissioners of public buildings.

Mr. Billings presented the account of John Catlin & Co., for rent of store room for Library.

Ordered, That the said several accounts be referred to the committee on claims.

Mr. Story, from the select committee to which the petition of citizens of Brookfield was referred, on the 31st of December last, reported No. 36, " A bill to establish the towns of Pewaukee and Granville, in the county of Milwaukee."

Which was read a first and second time.

Mr. Longstreet, from the select committee to which No. 13, " A bill to amend an act concerning judgments and executions," was committed, reported the same back to the House with amendments.

Which was read a first and second time ; and,

Ordered, That the same do lie on the table and be printed.

Mr. Wells, from the committee on the judiciary, to which the communication from the Governor of the State of New-York, and the act accompanying the same, were referred, reported a bill of the following title,

No. 37, " A bill to provide for the appointment of agents to demand fugitives from justice and for issuing search warrants."

Which was read a first and second time, and ordered to be printed.

Mr. Sholes, from the select committee, to which several petitions and remonstrances were referred from citizens of Jefferson county, in relation to the construction of dams across the west branch of Rock river, submitted the following report and bill.

That in the opinion of the committee, it is inexpedient, at the present time, by special act to grant the prayer of the petitioners. The committee have deemed it expedient to present, for the action of the House, a bill with some general provisions, in relation to the erection of mill dams, which, in their opinion, will obviate the necessity of much special legislation, and, without interfering with the privileges of any secure to all their just rights.

Bill No. 38, entitled "A bill in relation to mills and mill dams."

Which was then read a first and second time, and ordered to lie on the table and be printed.

On motion of Mr. Sholes,

Ordered, That the report be accepted and the committee discharged from the further consideration of the subject.

The House then proceeded to the orders of the day.

The undermentioned resolution and bill, from the Council, were severally read the third time, passed, and titles thereof agreed to, viz:

No. 3, "Resolution relating to the adjournment of the Legislature."

No. 10, "A bill to divide the town of Delevan, and for other purposes."

Ordered, That the chief clerk acquaint the Council therewith, and request their concurrence in the amendment to resolution No. 3.

Bill No. 4, entitled "A bill to establish certain ferries therein named," returned from the Council with amendments, was considered.

The amendments being read, a motion was made by Mr. Childs, that the House concur in the amendments.

A division of the question being called for, the question was put, "Will the House concur in the first amendment to the bill?" and decided in the negative.

The question was then taken, "Will the House concur in the second amendment to the bill?" and was decided in the affirmative.

On motion of Mr. Sholes,

The House concurred in the amendments of the Council to bill No. 18, of this House, entitled "A bill to repeal an act entitled 'An act to change the limits and powers of the town of Green Bay.'"

Ordered, That the chief clerk acquaint the Council therewith.

On motion of Mr. Sholes,

The undermentioned bills from the Council were severally read the first and second time by their titles, viz:

No. 15, "A bill to amend an act concerning justices of the peace."

No. 17, "A bill to provide for the support of illegitimate children."

No. 24, "A bill to establish the county of Sac and to define its limits."

No. 25, "A bill to amend an act entitled, 'An act to change the corporate limits and powers of the town of Milwaukee.'"

No. 26, "A bill to amend an act entitled, 'An act to prescribe the mode of proceedings in chancery, and for other purposes.'"

No. 27, "A bill limiting the term of office of all officers not now limited by law."

No. 29, "A bill to establish the town of Bristol in the county of Racine."

On motion of Mr. Childs,

The House resolved itself into the committee of the whole, Mr. Street in the chair, having under consideration a resolution and bill from the Council, entitled as follows:

No. 4, "Resolution to locate the university lands." And,

No. 22, "A bill to amend an act concerning the lien of mechanics, and others, for improvements and repairs on real estate."

After some time the committee rose, and, by their chairman, reported to the House, resolution No. 4 without, and bill No. 22 with an amendment.

On motion of Mr. Shew,

Ordered, That resolution No. 4 do lie on the table.

The House concurred in the amendment of the committee to bill No. 22.

On motion of Mr. Billings,

The said bill, No. 22, was indefinitely postponed.

Ordered, That the Council be informed thereof.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed bills as follows, in which the concurrence of this House is requested, viz:

"No. 31, 'A bill to incorporate the Wisconsin lead, mining, smelting and manufacturing company.' And,

"No. 34, 'A bill for the relief of the county officers of Crawford county.'

"Have concurred in bills of this House, viz:

"No. 17, 'A bill to authorize William H. Bruce, and, others, to build and maintain a dam on the Manitouwoc river.'

"No. 19, 'A bill to prevent trespass and other injuries being done to the possessions of settlers, and to define the right of possession on said lands.' And,

"No. 29, 'A bill relating to the fiscal agency of Moses M. Strong.'

"In the last two with amendments, in which I am directed to ask the concurrence of this House.

"The Council have concurred in the 1st, 2d, 3d and 4th amendments, and in the 5th and 6th amendments to bill No. 2, with an amendment to each; and, also, in the amendment of this House to resolution No. 3, "relative to adjournment of the Legislature," with an amendment, in which amendments the concurrence of this House is requested."

And then he withdrew.

On motion of Mr. Street,

The House went into committee of the whole, on the following bills from the Council, Mr. Baldwin in the chair, viz:

No. 11, "A bill to incorporate the Michigan and Rock river rail-road company."

No. 19, "A bill to amend an act relating to the militia."

No. 20, "A bill to exonerate the several counties of the Territory from the payment of certain taxes."

After some time the committee rose, and, by their chairman, reported the said bills to the House, No. 11 with and Nos. 19 and 20 without amendments.

The House concurred in the amendments of the committee to bill No. 11.

Mr. Shew moved that bill No. 11 be indefinitely postponed; and the ayes and noes being called on said motion, there were ayes 6, noes 19.

Those who voted in the affirmative were, Messrs. Billings, Cruson, Dewey, McGregor, Shackelford and Shew.

Those who voted in the negative were, Messrs. Baldwin, Beardsley, Bracken, Brunson, Childs, Conroe, Craig, Hoyt, Jenkins, Longstreet, Newman, Ray, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker.

So the motion was lost.

Mr. Conroe moved that the said bill be laid on the table for the present.

The motion was not agreed to.

Mr. Cruson moved to amend said bill by striking out the 9th section.

The motion was lost.

The question then recurred on ordering the bill to the third reading; and the ayes and noes being called on said question, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Bracken, Brunson, Childs, Conroe, Craig, Hoyt, Longstreet, Newman, Ray, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—18.

Noes—Messrs. Billings, Cruson, Dewey, Jenkins, McGregor, Shackelford and Shew—7.

So the said bill was ordered to be read a third time.

Bill No. 19 was then ordered to the third reading.

Mr. Dewey moved that bill No. 20 be indefinitely postponed; and the ayes and noes being called, on said question, there were ayes 8, noes 16.

Those voting in the affirmative were, Messrs. Billings, Cruson, Dewey, Jenkins, McGregor, Shackelford, Street and Sutherland.

Those voting in the negative were, Messrs. Baldwin, Beardsley, Brunson, Childs, Conroe, Craig, Hoyt, Longstreet, Newman, Ray, Shew, Sholes, Stevens, Story, Wells and Whiton, speaker.

So the motion was not agreed to.

The said bill was then ordered to be read a third time.

Mr. Childs, from the committee on engrossed bills, reported No. 5, entitled "A bill to organize the county of St. Croix," to be correctly engrossed.

Mr. Bracken, by leave, offered the following resolution, which was adopted:

Resolved, That the use of the Hall of Representatives be tendered to the Reverend B. Eaton, for the purpose of holding divine service this evening.

On motion of Mr. Dewey,

The House adjourned.

THURSDAY, January 2, 1840.

Mr. Street, from the committee on corporations, to which the petition of the inhabitants of township eight, range twenty-one, was referred on the 9th December last, reported that the prayer of the petioners had been provided for in bill No. 36, introduced on the 1st inst., and entitled "A bill to establish the towns of Pewaukee and Granville, in the county of Milwaukee," and moved that the committee be discharged from the consideration of the subject.

The motion was agreed to.

Mr. Billings, from the minority of the select committee to which the subject was referred, reported a memorial No. 4, entitled "Memorial to Congress concerning pre-emption rights of miners."

Ordered, That the said memorial do lie on the table and be printed.

The House then proceeded to the orders of the day, when the undermentioned bills were severally read the third time, passed, and the titles thereof agreed to, viz:

No. 5, (H. R. file,) "A bill to organize the county of St. Croix;" and the ayes and noes being called on the question "Shall this bill pass?" there were ayes 17, noes 6.

Those who voted in the affirmative were, Messrs. Baldwin, Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Newman, Ray, Shew, Sholes, Stevens and Sutherland.

Those who voted in the negative were, Messrs. Beardsley, Jenkins, Story, Street, Wells and Whiton, speaker.

No. 11, (Council file,) "A bill to incoprorate the Michigan and Rock river rail-road company."

On the question of the final passage of said bill, the ayes and noes were called, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Bracken, Brunson, Childs, Craig, Hoyt, Newman, Ray, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—16.

Noes—Messrs. Billings, Conroe, Cruson, Dewey, Jenkins, McGregor and Shew—7.

No. 19, (Council file,) "A bill to amend an act relating to the militia."

No. 20, (Council file,) "A bill to exonerate the several counties of the Territory from the payment of certain taxes."

The ayes and noes being called on the question of the final passage of said bill, No. 20, there were ayes 14, noes 9.

Those voting in the affirmative were, Messrs. Baldwin, Beardsley, Brunson, Childs, Conroe, Hoyt, Newman, Ray, Shew, Sholes, Stevens, Story, Wells and Whiton, speaker.

Those voting in the negative were, Messrs. Billings, Bracken, Craig, Cruson, Dewey, Jenkins, McGregor, Street and Sutherland.

Ordered, That the Council be acquainted therewith.

No. 2, (Council file,) "A bill to organize the counties of Calumet and Winnebago, and for other purposes;" returned from the Council with amendments to the amendments of the House, was then taken up, when the House concurred in the amendments of the Council to the 5th and 6th amendments of the House to said bill.

The amendments of the Council to the following bills were severally concurred in, viz:

No. 19, "A bill to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands;" and,

No. 29, "A bill relating to the fiscal agency of Moses M. Strong."

The question on concurring to the amendments of the Council to the amendments of the House to No. 3, (Council file,) "Resolution relating to the adjournment of the Legislature," was then considered, and the question being on agreeing to the amendment of the Council to the amendment of the House,

Mr. Sholes moved that the consideration of the said amendments be postponed for the present; which was not agreed to.

Mr. Billings moved that the House do disagree to the amendment of the Council to the amendment of this House.

And the ayes and noes being called, were as follows:

Ayes—Messrs. Beardsley, Billings, Bracken, Brunson, Childs, Craig, Hoyt, McGregor, Ray, Shew, Sholes, Stevens, Story, Street and Whiton, speaker—15.

Noes—Messrs. Baldwin, Conroe, Cruson, Dewey, Jenkins, Newman, Sutherland and Wells—8.

So the amendment of the Council was disagreed to.

Ordered, That the chief clerk acquaint the Council therewith.

On motion of Mr. Billings,

Bills from the Council were read a first and second time, entitled as follows, viz.:

No. 31, "A bill to incorporate the Wisconsin lead mining, smelting and manufacturing company;" and,

No. 34, "A bill for the relief of the county officers of Crawford county."

On motion of Mr. Wells,

The House went into committee of the whole, Mr. Brunson in the chair, on the following bills from the Council, viz:

No. 15, "A bill to amend an act concerning justices of the peace."

No. 26, "A bill to amend the act entitled, 'An act to prescribe the mode of proceedings in chancery, and for other purposes.'"

No. 27, "A bill limiting the term of office of all officers not now limited by law." And on bill

No. 31, of this House, entitled "A bill to incorporate the wardens and vestrymen of Trinity Church, at Mineral Point."

After some time the committee rose, and reported bills 15, 26 and 31 with amendments, and bill No. 27 without amendment.

The amendments reported by the committee to bill No. 15 were agreed to, and the bill order to the third reading.

The question being on agreeing to the report of the committee on bill No. 26,

Mr. Wells moved the following amendment:

Strike out the words "supreme court commissioner;" in the first section, and insert "or the supreme court commissioners of the counties of Milwaukee and Racine."

Add at the close of the first section, "Provided that no injunction issued by any supreme court commissioner shall have any effect out of the county in which it was issued, or out of the county in which the commissioner issuing the same shall reside."

Mr. Sholes moved to amend the amendment by inserting before the word "Milwaukee," the word "Brown," and pending the question thereon,

On motion of Mr. Street,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

The House resumed the consideration of bills Nos. 26, 27 and 31, and the question being on agreeing to the amendment of Mr. Sholes to the amendment of Mr. Wells to bill No. 26, and pending the same,

Mr. Sutherland moved that a call of the House be had and absent members sent for, which was ordered.

On motion of Mr. Brunson,

Mr. Dewey was excused from attendance in the House during the afternoon on account of illness.

On motion of Mr. Baldwin,

Mr. Blackstone was excused from attendance during the afternoon, for the same reason.

A call of the House was then had and the serjeant-at-arms sent for the absent members, who were Messrs. Billings, Bracken, Cruson, Longstreet, Shackelford and Street.

Mr. Jenkins gave notice that, on some future day, he should ask leave to bring in a bill to regulate the mode of petitioning the Legislative Assembly in certain cases.

Mr. Story gave notice that, on some future day, he should ask leave to bring in a bill in relation to United States roads in this Territory.

The serjeant-at-arms reported all the absent members in attendance, excepting Messrs. Bracken and Longstreet, who were indisposed and unable to attend.

On motion of Mr. Sholes,

Messrs. Bracken and Longstreet were excused from attendance during the afternoon.

Mr. Wells, by leave, withdrew his amendment to bill No. 26, and moved that the same be recommitted to the committee of the whole House.

The motion was agreed to.

Bill No. 27 was ordered to be read a third time.

The House agreed to the amendment of the committee to bill No. 31.

And on the question "Shall the bill be engrossed and read the third time?" the ayes and noes were called and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Childs, Conroe, Cruson, Hoyt, Ray, Sholes, Stevens, Street, Wells and Whiton, speaker—13.

Noes—Messrs. Brunson, Craig, Jenkins, McGregor, Newman, Shackelford, Shew, Story and Sutherland—9.

So the said bill was ordered to be engrossed and read a third time.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Beardsley in the chair, on the aforesaid bill No. 26, and No. 24, (Council file,) "A bill to establish the county of Sac and to define its limits."

After some time the committee rose and, by their chairman, reported the said bills to the House with amendments.

The House concurred in the amendments of the committee to bill No. 24, and the bill was ordered to the third reading.

Mr. Brunson offered the following amendment to bill No. 26, which was agreed to.

Strike out the words "Milwaukee, Racine and Brown," and add in lieu thereof, "in this Territory."

The report of the committee as amended, was then agreed to, and the ayes and noes being called on the question, "Shall this bill be ordered to a third reading?" were as follows:

Ayes—Messrs. Baldwin, Beardsley, Brunson, Childs, Conroe, Hoyt, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—17.

Noes—Messrs. Billings, Craig, Cruson, Jenkins and McGregor—5.

So the said bill was ordered to be read a third time.

Mr. Shackelford, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

No. 12, "A bill to provide for recording contracts relating to lands, and for other purposes."

No. 17, "A bill to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river, and for other purposes."

No. 18, "A bill to repeal an act, entitled 'An act to change the corporate limits and powers of the town of Green Bay;'" and,

No. 19, "A bill to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

The Speaker signed the said bills.

On motion of Mr. Sholes,

Ordered, That the several bills on the clerk's table, ready for a third reading, be read the third time now, by their titles.

The undermentioned bills were then severally read the third time and passed, viz:

No. 15, "A bill to amend the act concerning justices of the peace;" and,

No. 24, "A bill to establish the county of Sac, and for other purposes."

The title to bill No. 15 was agreed to, and the title to No. 24 was amended by striking out "Sac," and inserting "Sauc" in lieu thereof.

Ordered, That the Council be acquainted therewith, and be requested to concur in the amendments to bill No. 24.

The undermentioned bills were then severally read the third time, and, on motion, ordered to lie on the table, viz:

No. 26, "A bill to amend an act, entitled, 'An act to prescribe the mode of proceedings in chancery, and for other purposes;'" and,

No. 27, "A bill limiting the term of office of all officers not now limited by law."

Mr. Childs, by leave, introduced resolution No. 11, entitled, "Joint resolutions calling upon the Secretary of the Territory for certain information."

Which was read the first and second time.

Mr. Conroe, by leave, introduced resolution No. 12, entitled, "Resolution relating to seals."

Which was read the first and second time.

On motion of Mr. Shew,

The House adjourned.

FRIDAY, January 3, 1840.

Mr. Childs presented the petition of A. A. Bird, relating to compensation for services as late acting commissioner of public buildings.

Referred to a select committee, consisting of Messrs. Childs, Story and Street.

Mr. Sutherland presented a petition from citizens of Dodge county, praying that said county be organized for county government.

Referred to a select committee, consisting of Messrs. Sutherland, Longstreet and Brunson.

Mr. Shackelford, from the committee on enrolled bills, reported No. 29, "A bill relating to the fiscal agency of Moses M. Strong," to be correctly enrolled.

When the Speaker signed the same.

Mr. Childs, from the committee on engrossed bills, reported No. 31, "A bill to incorporate the wardens and vestrymen of Trinity Church, at Mineral Point," to be correctly engrossed.

Mr. Cruson, from the joint committee on public buildings, reported No. 39, "A bill to amend an act, entitled, 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 31, 1836, and for other purposes,'" approved March 8th, 1839; and also submitted a report and documents relating to the proceedings of the former board of commissioners.

(See Appendix, document J.)

Mr. Sholes submitted a report from the minority of the same committee.

(See Appendix, document K.)

Message from the Council by their secretary:

"Mr. Speaker—The Council have concurred in the amendment of this House to bill No. 11, "A bill to incorporate the Lake Michigan and Rock river rail-road company;" and have receded from their amendment to the amendment of this House to resolution No. 3, entitled, 'Resolution relating to adjournment of the Legislature,' and have concurred in the amendment of this House, and passed bills as follows, viz:

"No. 9, 'A bill to amend an act entitled, an act to restrain unauthorized banking, and for other purposes;' and,

"No. 36, 'A bill to incorporate and regulate public libraries,' and request the concurrence of this House therein.

"They have appointed Messrs. Martin and Rountree, a committee of conference, on the part of the Council, on the disagreeing vote of the two Houses on bill No. 16, entitled, 'A bill to prevent the sale of intoxicating liquors to Indians.'"

And then he withdrew.

Mr. Sholes moved that the report of the committee on public buildings be accepted, and also the report of the minority of the same committee; and that the same, with the accompanying documents be laid on the table, and 500 copies thereof printed for the use of this House.

Mr. Shackelford moved to amend the motion by adding, "and that the same be published in all the newspapers in this Territory."

The amendment to the motion was not agreed to.

The question then recurred on the motion moved by Mr. Sholes, and the ayes and noes being called, there were ayes 24, noes 1.

Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cluson, Hoyt, Jenkins, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker, voting in the affirmative; and,

Mr. Street, voting in the negative.

On motion of Mr. Sholes,

Ordered, That the committee be discharged from the further consideration of the subject.

The House then proceeded to the orders of the day; when, No. 31, "A bill to incorporate the wardens and vestrymen of Trinity Church, at Mineral Point," was read the third time, and, On the question, "Shall this bill pass?" the ayes and noes were called, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Childs, Conroe, Longstreet, Ray, Sholes, Stevens, Wells and Whiton, speaker—13.

Noes—Messrs. Brunson, Craig, Cruson, Hoyt, Jenkins, McGregor, Newman, Shackelford, Shew, Story, Street and Sutherland,—12.

So the said bill was passed.

On motion of Mr. Bracken,

The title of said bill was amended by inserting the word "rector" before the word "wardens."

The title as amended was then agreed to.

Ordered, That the Council be requested to concur in the said bill.

Bill No. 39, entitled, "A bill to amend 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes,'" approved March 8th, 1839; was, on motion, read the first and second time and ordered to be printed.

Mr. Cruson, by leave, introduced bill No. 40, which was read the first and second time and ordered to be printed, entitled,

"A bill to provide for laying out a Territorial road from Platteville to Sinipee, in Grant county."

On motion of Mr. Jenkins,

Ordered, That the letter of the Secretary of War, in answer to a memorial of the Legislature of Wisconsin relating to the removal of the Winnebago Indians, be referred to the select committee to which that portion of the Governor's message was referred on the same subject, viz:

Messrs. Brunson, Baldwin and Bracken.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Sholes moved that the House resolve itself into the committee of the whole, on the following, viz:

No. 3, "Memorial to Congress concerning pre-emption rights to miners;" and,

No. 25, "A bill to amend an act to provide for aiding in the construction of the Milwaukee and Rock river canal;" and,

Pending the question thereon,

On motion of Mr. Shew,

A call of the House was had, and the serjeant-at-arms sent after Messrs. Billings, Dewey, Shackelford and Street, who were not in their seats.

After a short time the serjeant-at-arms returned and reported Messrs. Billings, Shackelford and Street in attendance, and that Mr. Dewey was unable to attend on account of illness.

On motion of Mr. Street,

Mr. Dewey was excused from attendance in the House during the afternoon.

The House then resolved itself into the committee of the whole, Mr. Sholes in the chair, having under consideration the aforesaid bill and memorial, and, also,

No. 22, "A bill to license teamsters;" and,

No. 30, "A bill to provide for laying out a Territorial road from Fort Howard to Knaggs' ferry in Brown county."

After some time the committee rose and, by their chairman, reported to the House bill No. 22 with, and bill No. 30 without amendment, and that they had made progress in bill No. 25, and memorial No. 3, and asked leave to sit again on said bill and memorial to-morrow.

Which was granted.

The House concurred in the amendments of the committee to bill No. 22; and said bill, and bill No. 30, were severally ordered to be engrossed and read a third time.

Mr. Shackelford, from the joint committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"An act to exonerate the several counties of the Territory, from the payment of certain taxes."

"An act to organize the county of Calumet, and to lay off the county of Winnebago."

"An act to divide the town of Delevan, and for other purposes."

"An act to amend an act entitled, 'An act relating to the militia.'"

Mr. Baldwin then moved that the House do now adjourn, which motion was disagreed to.

A call of the House was then had, om motion of Mr. Childs, and the serjeant-at-arms sent after Messrs. Conroe, Cruson, Shew and Shackelford, who were absent.

Mr. Street moved that Mr. Cruson be excused from attendance in the House this evening, whioh was disagreed to.

Mr. Baldwin renewed his motion to adjourn, which was disagreed to.

A motion was then made by Mr. Wells that the House do now adjourn.

And the ayes and noes were called for, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Bracken, Hoyt, McGregor, Newman, Ray, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—13.

Noes—Messrs. Billings, Blackstone, Childs, Craig, Jenkins and Street—6.

So the House adjourned.

SATURDAY, January 4, 1840.

Mr. Sholes presented the remonstrance, and affidavits, from citizens of Jefferson county, relating to the erection of a dam by Benjamin Nute, and others, across the west branch of Rock river, in said county.

Which were laid on the table.

Mr. Bracken, from the select committee, to which was referred that portion of the Governor's message which relates to the removal of the Winnebago Indians, and the letter of the Secretary of War on the same subject, made a report.

(See Appendix, document L.)

And, also, submitted the following resolutions:

Resolved, That the committee to which was referred that part of the Governor's message which relates to the memorializing of the Secretary of War, on the removal of the Winnebago Indians, be discharged from the further consideration of the subject, and that a select committee of three persons be appointed by this House to memorialize Congress on the same subject.

Be it further Resolved, That the Governor of this Territory be requested to forward one copy each, of this report and resolutions, to the Speaker of the House of Representatives and the Secretary of War.

On motion of Mr. Childs,

Ordered, That the report be accepted and 250 copies thereof printed, and that the committee be discharged from the further consideration of the subject.

The question was then taken on the passage of said resolutions, and was decided in the affirmative.

Mr. Sutherland, from the select committee to which was referred a petition relating to the subject, reported

No. 41, "A bill to organize the county of Dodge."

Which was read the first and second time and ordered to be printed.

Mr. Childs, from the select committee to which was referred the petition of A. A. Bird, relating to compensation for services as acting commissioner of public buildings, reported the following joint resolution, viz:

No. 13, "Resolution relating to the settlement of the account of the late acting commissioner."

Which was read the first and second time.

Mr. Longstreet, from the joint committee on enrolment, reported that the committee did on the 3d inst., submit to the Governor for his approval the following, viz:

"An act relating to the fiscal agency of Moses M. Strong."

"An act to repeal an act entitled, 'An act to change the corporate limits and powers of the town of Green Bay.'"

"An act to provide for recording contracts relating to lands, and for other purposes."

"An act to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river." And,

"An act to prevent trespass and other injuries being done to the possessions of settlers on public lands and to define the right of possession on said lands."

Mr. Childs, from the committee on engrossed bills, reported to be correctly engrossed,

No. 30, "A bill to provide for laying out a Territorial road from Fort Howard to Knaggs' Ferry in Brown county."

The Speaker laid before the House a message from the Executive, notifying the House that he had this day examined and approved the following acts, viz:

"An act to provide for recording contracts relating to lands, and for other purposes."

"An act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

"An act to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river."

"An act to repeal an act entitled, 'An act to change the corporate limits and powers of the town of Green Bay." And,

"An act relating to the fiscal agency of Moses M. Strong."

The House then proceeded to the orders of the day, being bills on their passage.

No. 30, "A bill to provide for laying out a Territorial road from Fort Howard to Knaggs' ferry in Brown county," was read a third time; when

Mr. Wells obtained the unanimous consent of the House to amend said bill by striking out the word "Alexanger" in the second line of the first section, and inserting "Alexander" in lieu thereof; and, also, by striking out the word "with" in the first line of the last section.

The said bill was then passed and the title thereof agreed to.

Ordered, That the Council be requested to concur in the said bill.

On motion of Mr. Billings,

No. 4, "Memorial to Congress concerning pre-emption rights to miners," was read the first and second time.

On motion of Mr. Wells,

The House resolved itself into the committee of the whole. Mr. Sholes in the chair, on memorials Nos. 3 and 4, each entitled, "Memorial to Congress concerning pre-emption rights to miners," and bill No. 25, "A bill to amend 'an act to provide for aiding in the construction of the Milwaukee and Rock river canal."

After some time the committee rose and, by their chairman, reported that they had made progress on said memorials and bill, and asked leave to sit again this afternoon.

Leave was granted.

Mr. Sholes offered the following resolution, which was adopted:

Resolved, That the chief clerk of this House be directed to transmit copies of all memorials originating in this House, and which have been adopted by both Houses, to Congress; and, also, transmit a copy of resolution No. 10 to Samuel B. Knapp.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following bills and memorials, and request the concurrence of this House therein, viz:

"No. 30, 'A bill to provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly.'

"No. 38, 'A bill in relation to hawkers and pedlars.'

"No. 39, 'A bill to provide for holding the district court within the county of Brown, and for other purposes."

"No. 41, 'A bill to provide for laying out and opening Territorial roads, and for other purposes.'

"No. 5, 'Memorial to Congress for appropriations for Lake Michigan and Mississippi rail-road.'

"No. 6, 'Memorial to Congress for an appropriation for the improvement of the Fox, Wisconsin, and other rivers.'

"No. 7, 'Memorial to Congress for an appropriation for survey and construction of a rail-road from Platteville to the Mississippi.'

"The Council have negatived, by striking out the enacting clause, bill No. 3, of this House, entitled, 'A bill relating to the duties of registers of deeds.'"

And then he withdrew.

On motion of Mr. Shew,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

On motion of Mr. Jenkins,

The vote by which a resolution was passed, authorizing the appointment of a committee to memorialize the Congress of the United States on the subject of the removal of the Winnebago Indians, was reconsidered, and the resolution amended by striking out, in the seventh line, the words "memorialize Congress," and inserting in lieu thereof the words "draft a memorial to the President of the United States."

The said resolution, as amended, was then passed.

The Speaker appointed Messrs. Story, Blackstone and Sholes the committee under the said resolution.

Mr. Bracken presented the resignation of L. H. Cotton, Esq., of the office of commissioner of public buildings.

Which was read and laid on the table.

Mr. Shackelford, from the joint committee on enrolment, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"An act to incorporate the Michigan and Rock river rail-road company."

"Resolution relative to the adjournment of the Legislature."

Mr. Story, agreeably to notice for leave, introduced bill No. 42, entitled

"A bill in relation to United States roads in this Territory."

Which was read the first and second time and ordered to be printed.

On motion of Mr. Childs,

The undermentioned bills and memorials from the Council, were severally read the first and second time, viz:

No. 9, "A bill to amend an act entitled, an act to restrain unauthorized banking, and for other purposes."

No. 30, "A bill to provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly."

No. 36, "A bill to incorporate and regulate public libraries."

No. 38, "A bill in relation to hawkers and pedlars."

No. 39, "A bill to provide for holding the district court within the county of Brown, and for other purposes."

No. 41, "A bill to provide for laying out and opening Territorial roads, and for other purposes."

No. 5, "Memorial to Congress for appropriations for Lake Michigan and Mississippi rail-road."

No. 6, "Memorial to Congress for an appropriation for the improvement of the Fox, Wisconsin, and other rivers."

No. 7, "Memorial to Congress for an appropriation for survey and construction of a rail-road from Platteville to the Mississippi."

On motion of Mr. Childs;

The House went into committee of the whole, on the following bill and memorials, Mr. Sholes in the chair, viz:

No. 25, "A bill to amend 'An act to provide for aiding in the construction of the Milwaukee and Rock river canal.'"

Nos. 3 and 4, each entitled, "Memorial to Congress concerning pre-emption rights to miners."

After some time the committee rose and reported the said bill and memorials with amendments to each.

On the question to agree to the report of the committee on bill No. 25, the ayes and nays were called for, by Mr. Shew, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Hoyt, Jenkins, Longstreet, Newman, Ray, Story, Street, Sutherland, Wells and Whiton, speaker—15.

Noes—Messrs. Billings, Brunson, Conroe, Craig, Cruson, Dewey, McGregor, Shackelford, Shew, Sholes and Stevens—11.

So the report of the committee was agreed to.

The question then recurred on ordering the bill to be engrossed for a third reading, and the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Hoyt, Jenkins, Longstreet, Newman, Ray, Story, Street, Sutherland, Wells and Whiton, speaker—15.

Noes—Messrs. Billings, Brunson, Conroe, Craig, Cruson, Dewey, McGregor, Shackelford, Shew, Sholes and Stevens—11.

So the said bill was ordered to be engrossed.

The report of the committee on the said memorials was then agreed to, and they were severally ordered to be laid on the table.

Mr. Dewey, from the select committee on roads, reported a bill, No. 43, which was read the first and second time and ordered to be printed, entitled,

"A bill to lay out and establish certain Territorial roads therein named."

On motion of Mr. Wells,

The House went into committee of the whole, Mr. Childs in the chair, for the consideration of bills of the following titles, viz:

No. 32, "A bill in relation to assessors."

No. 33, "A bill relative to the writ of mandamus, and for other purposes." And, No. 36, "A bill to establish the towns of Pewaukee and Granville, in the county of Milwaukee."

After a short time the committee rose and reported bill No. 32 with, and Nos. 33 and 36 without amendment.

The amendments of the committee to bill No. 32 were agreed to, and the said bill ordered to be engrossed for the third reading.

Mr. Shackelford moved that bill No. 33 be laid on the table, which was disagreed to; and the said bill, and bill No. 36, were then severally ordered to be engrossed for the third reading.

Mr. Beardsley gave notice that, on a future day, he should, by leave, introduce a bill relating to the register of deeds of Rock county.

On motion of Mr. Shew,

The House adjourned.

MONDAY, January 6, 1840.

Mr. Brunson presented a petition from citizens of Prairie du Chien, relating to the appointment of a superintendent of education.

Referred to the committee on schools.

Mr. Beardsley presented a petition and two remonstrances, from citizens of Rock county, relating to the removal of the seat of justice of said county.

Referred to the select committee to which petitions relating to the same subject were referred on the 31st Dec. last, viz:

Messrs. Beardsley, Story and Billings.

Mr. Wells, from the committee on the judiciary, reported the following bills, which were read the first and second time and ordered to be printed, viz:

No. 44, "A bill to provide for establishing the seat of justice of Racine county."

No. 45, "A bill concerning the duties of clerks of the boards of county commissioners."

No. 46, "A bill to change the time of holding courts in the second judicial district."

No. 47, "A bill to amend an act, entitled, 'An act to provide for assessing and collecting county revenue.'"

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 25, "A bill to amend 'An act to provide for aiding in the construction of the Milwaukee and Rock river canal.'"

No. 32, "A bill in relation to assessors."

No. 33, "A bill relative to the writ of mandamus, and for other purposes."

No. 36, "A bill to establish the towns of Pewaukee and Granville, in the county of Milwaukee."

Mr. Bracken presented the accounts of Moses M. Strong; one for services as attorney in suits of the Territory of Wisconsin vs. the commissioners of the public buildings, and James Morrison and sureties, and the other for expenses as fiscal agent.

Mr. Sholes presented the account of E. Childs, for stationary purchased for the Legislative Assembly at its last session.

Ordered, That the said accounts be referred to the committee on claims.

Mr. Shackelford offered the following resolution, which was adopted:

Resolved, That Moses M. Strong be requested to report to this House an account of all moneys disbursed by him as fiscal agent, and on what appropriations.

Mr. Sholes, from the joint committee to whom the subject was referred, made the following report:

The joint committee of conference, appointed to take into consideration the disagreeing vote of the two Houses, on bill No. 16, (Council file,) entitled, "A bill to prevent the sale of intoxicating liquors to Indians," have conferred on the subject referred to them, and have agreed to propose to their respective Houses the following amendment in lieu of the one adopted by this House.

Strike out in the first section of the original bill, all after the word "any," in the second line, to the word "this," in the third line, and insert in lieu thereof the words "Indian in."

On motion of Mr. Sholes,

The report of the committee was agreed to.

The House then proceeded to the orders of the day, when the undermentioned bills were severally read a third time, passed and the tiles agreed to, viz:

No. 22, "A bill to license teamsters."

The ayes and noes were called on the passage of said bill, and were as follows:

Ayes—Messrs. Baldwin, Blackstone, Bracken, Brunson, Childs, Craig, Hoyt, Jenkins, Longstreet, Ray, Shackelford, Sholes, Story, Street and Wells—15.

Noes—Messrs. Beardsley, Conroe, Cruson, Dewey, McGregor, Newman, Shew, Stevens, Sutherland and Whiton, speaker—10.

No. 32, "A bill in relation to assessors."

The title of said bill was amended by adding the words "and supervisors of roads."

No. 33, "A bill relative to the writ of mandamus, and for other purposes."

The ayes and noes were called on the passage of said bill, and were as follows, viz:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Craig, Jenkins, Longstreet, Ray, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—18.

Noes—Messrs. Billings, Conroe, Cruson, Dewey, McGregor, Newman and Shackelford—7.

No. 36, "A bill to establish the towns of Pewaukee and Granville, in the county of Milwaukee."

No. 25, "A bill to amend 'An act to provide for aiding in the construction of the Milwaukee and Rock river canal."

Mr. Shew moved that said bill, No. 25, be laid on the table for the present.

And the ayes and noes being called, on said question, were as follows:

Ayes—Messrs. Brunson, Conroe, Craig, Cruson, Dewey, Mc Gregor, Shackelford, Shew, Sholes, Stevens and Street—11.

Noes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Childs, Hoyt, Jenkins, Longstreet, Newman, Ray, Story, Sutherland, Wells and Whiton, speaker—15.

So the motion was disagreed to.

On the question "Shall this bill pass?" the ayes and noes were called, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Childs, Hoyt, Jenkins, Longstreet, Newman, Ray, Story, Street Sutherland, Wells and Whiton, speaker—16.

Noes—Messrs. Brunson, Conroe, Craig, Cruson, Dewey, Mc Gregor, Shackelford, Shew, Sholes and Stevens—10.

Ordered, That the chief clerk request the concurrence of the Council in said bills.

On motion of Mr. Wells,

Ordered, That the following bills be committed to the committee of the whole now, viz:

No. 28, "A bill to amend an act of the Revised Statutes of the Territory of Wisconsin, entitled, 'An act concerning judgments and executions.'"

No. 34, "A bill relating to strays." And,

No. 29, (Council file,) "A bill to establish the town of Bristol, in the county of Racine."

The House then went into the committee of the whole, on said bills, Mr. Wells in the chair.

After some time the committee rose and reported bills Nos. 28 and 34 with amendments, and bill No. 29 without amendment.

Bill No. 29 was ordered to the third reading.

Mr. Beardsley offered the following amendment to bill No. 34:

Strike out in section 6, all after the word "act," and insert "the taker up shall, at the end of one year from the time of taking

up, post up notices in three of the most public places in his township, and offer for sale to the highest bidder such stray; and if such stray shall sell for a price above the cost and charges, the overplus shall be paid into the county treasury, subject to be drawn therefrom by any person proving satisfactorily to the county treasurer that the stray so sold was his property: but if such overplus shall not be so drawn, it shall be appropriated to the use of common schools."

The amendment was disagreed to.

Mr. Story then moved to lay the bill on the table, which was also disagreed to.

The report of the committee was then agreed to, and the said bill was ordered to be engrossed for the third reading.

The report of the committee on bill No. 28 was agreed to, and the bill ordered to be engrossed for the third reading.

On motion of Mr. Sholes,

Resolved, That after Tuesday next no new business shall be received to be acted upon by this House, except accounts, reports of committees upon subjects which may previously to that time, be referred to them, and the appropriation bill.

On motion of Mr. Sutherland,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock.

Mr. Beardsley, agreeably to previous notice for leave, introduced a bill, No. 48, entitled,

"A bill relating to the duties of register of deeds of the county of Rock."

Which was read the first and second time.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Blackstone in the chair, having under consideration the following, viz:

No. 30, (Council file,) "A bill to provide for taking the census or enumeration of inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly."

No. 34, (Council file,) "A bill for the relief of the county officers of Crawford county."

No. 48, (H. R. file,) "A bill relating to the duties of the register of deeds of the county of Rock;" and,

No. 11, (H. R. file,) "Joint resolution calling upon the Secretary of the Territory for certain information."

After some time the committee rose and, by their chairman, reported to the House the said resolution No. 11, and bill No. 48 without, and bills Nos. 30 and 34 with amendments.

The question was taken on ordering resolution No. 11 to be engrossed and read a third time; and the ayes and noes being called, were as follows:

Ayes—Messrs. Beardsley, Blackstone, Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—23.

Noes—Messrs. Baldwin, Jenkins and Shackelford—3.

So the said resolution was ordered to be engrossed and read a third time.

The House concurred in the amendments of the committee to bill No. 34.

Mr. McGregor moved to strike out the first and second sections of said bill, and the ayes and nays being called, on said motion, were as follows:

Ayes—Messrs. McGregor, Newman and Shackelford—3.

Noes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Ray, Shew, Sholes, Story, Street, Sutherland, Wells and Whiton, speaker—22.

So the motion was lost.

The said bill was then ordered to the third reading.

Mr. Shew moved to amend the amendment made by the committee of the whole to bill No. 30, by striking out the words

"Mineral Point," and inserting in lieu thereof the words "Milwaukee," which amendment provided for holding a special session of the Legislature at Mineral Point.

On motion of Mr. McGregor,

The question was divided, and the ayes and noes being called on the question to strike out Mineral Point, there were ayes 12, noes 14.

Those voting in the affirmative were, Messrs. Beardsley, Childs, Conroe, Dewey, Ray, Shackelford, Shew, Sholes, Story, Sutherland, Wells and Whiton, speaker.

Those voting in the negative were, Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Craig, Cruson, Hoyt, Jenkins, Longstreet, McGregor, Newman, Stevens and Street.

So the House refused *to strike out*, for the purpose of inserting Milwaukee.

Mr. Sholes moved to strike out "Mineral Point," and insert "Green Bay," in lieu thereof.

A division of the question being called for, the question was taken on striking out, and the ayes and noes being called, there were ayes 13, noes 13.

Those voting in the affirmative were, Messrs. Beardsley, Brunson, Childs, Conroe, Dewey, Longstreet, McGregor, Shackelford, Sholes, Story, Sutherland, Wells and Whiton, speaker.

Those voting in the negative were, Messrs. Baldwin, Billings, Blackstone, Bracken, Craig, Cruson, Hoyt, Jenkins, Newman, Ray, Shew, Stevens and Street.

So the House refused to strike out for the purpose of inserting Green Bay.

Mr. Shew moved to strike out the words "Mineral Point," and insert in lieu thereof, the word "Madison."

A division of the question being called for, the question was taken on striking out, and the ayes and noes being called, were as follows:

Ayes—Messrs. Beardsley, Brunson, Childs, Conroe, Dewey, Longstreet, McGregor, Ray, Shackelford, Shew, Sholes, Stevens, Sutherland, Wells and Whiton, speaker—15.

Noes—Messrs. Baldwin, Billings, Blackstone, Bracken, Craig, Cruson, Hoyt, Jenkins, Newman, Story, and Street—11.

So the House amended the amendment made by the committee of the whole, by striking out "Mineral Point."

The question then recurred on inserting "Madison," and the ayes and noes being called, on the said question, were as follows:

Ayes—Messrs. Beardsley, Dewey, Hoyt, Longstreet, Ray, Shackelford, Shew, Sholes, Stevens, Sutherland and Whiton, speaker—11.

Noes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Jenkins, McGregor, Newman, Story, Street and Wells—15.

So the House refused to insert Madison.

A motion was then made by Mr. Wells to insert "Milwaukee," and the ayes and noes being called, were as follows:

Ayes—Messrs. Beardsley, Conroe, Hoyt, Longstreet, Newman, Ray, Shackelford, Shew, Stevens, Story, Street and Wells—12.

Noes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Jenkins, McGregor, Sholes, Sutherland and Whiton, speaker—14.

So the House refused to insert Milwaukee.

Mr. Dewey then called for the previous question, which was put in these words, "Shall the main question be now put?"

And the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Dewey, Ray, Shackelford, Shew, Sutherland, Wells and Whiton, speaker—9.

Noes—Messrs. Billings, Blackstone, Bracken, Childs, Conroe, Craig, Cruson, Hoyt, Jenkins, Longstreet, McGregor, Newman, Sholes, Stevens, Story and Street—17.

So the main question was not ordered.

Mr. Childs moved to insert "Green Bay."

Pending the question thereon, a motion was made by Mr. Billings, that the bill do now lie on the table, and the ayes and noes were called and were as follows:

Ayes—Messrs. Billings, Blackstone and McGregor—3.

Noes—Messrs. Baldwin, Beardsley, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—23.

The question then recurred on inserting "Green Bay," and the ayes and noes were as follows:

Ayes—Messrs. Beardsley, Brunson, Childs, Conroe, McGregor, Shackelford, Sholes, Story and Street—9.

Noes—Messrs. Baldwin, Blackstone, Bracken, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Ray, Stevens, Shew, Sutherland, Wells and Whiton, speaker—17.

So the House refused to insert Green Bay.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed No. 40, 'A bill for the relief of Joseph R. Brown,' in which I am requested to ask the concurrence of this House.

"They have also concurred in No. 15, (of the House,) 'A bill to amend an act of the Revised Statutes of 1839, entitled, An act concerning the supreme and district courts,' with amendments, in which amendments the concurrence of this House is also requested. And have adopted the report of the committee of conference on the disagreeing vote of both Houses, on bill No. 16, 'A bill to prevent the sale of intoxicating liquors to Indians.'"

And then he withdrew.

Mr. Sutherland called for the previous question, which was ordered.

The main question was then put in these words, "Will the House agree to the report of the committee as amended?"

And the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Brunson, Hoyt, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Street, Sutherland, Wells and Whiton, speaker—16.

Noes—Messrs. Billings, Bracken, Childs, Conroe, Craig, Cruson, Dewey, Jenkins, McGregor and Story—10.

So the House agreed to the report of the committee.

Mr. Bracken moved the following amendment to the bill:

Add to section 2 the words, "at Mineral Point."

Pending the question thereon, Mr. Sholes called for the previous question, and the ayes and noes were taken and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Dewey, Hoyt, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Sutherland, Wells and Whiton, speaker—13.

Noes—Messrs. Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Jenkins, McGregor, Stevens, Story and Street—13.

So the main question was not ordered.

Mr. Sholes then moved that the bill be laid on the table, and the ayes and noes were taken and were as follows:

Ayes—Messrs. Beardsley, Conroe, Dewey, Hoyt, Longstreet, Ray and Sholes—7.

Noes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Jenkins, McGregor, Newman, Shackelford, Shew, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—19.

So the House refused to lay the bill on the table.

Mr. Sutherland then moved the House adjourn until 7 o'clock P. M.

And the ayes and noes were taken and were as follows:

Ayes—Messrs. Childs, Dewey, Story, Sutherland and Whiton, speaker—5.

Noes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Brunson, Conroe, Craig, Cruson, Hoyt, Jenkins, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Street and Wells—21.

So the House refused to adjourn to 7 o'clock P. M.

Mr. Childs then moved that the House do now adjourn.

The motion was disagreed to.

Mr. Bracken moved to add to the second section of said bill, the words "Borough of Mineral Point."

The ayes and noes were called on said question, and were as follows:

Ayes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Craig, Cruson, Hoyt, Jenkins, McGregor, Story and Street —12.

Noes—Messrs. Beardsley, Childs, Conroe, Dewey, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Sutherland, Wells and Whiton, speaker—14.

So the motion was lost.

Mr. Sholes moved to add to the second section the words "at Depere;" when

The previous question being called for, was then put, viz: "Shall the main question be now put?"

And the ayes and noes being called for, there were ayes 15, noes 11.

Those voting in the affirmative were, Messrs. Baldwin, Beardsley, Blackstone, Conroe, Dewey, Hoyt, Longstreet, Newman, Ray, Shackelford, Shew, Stevens, Sutherland, Wells and Whiton, speaker.

Those voting in the negative were, Messrs. Billings, Bracken, Brunson, Childs, Craig, Cruson, Jenkins, McGregor, Sholes, Story and Street.

So the main question was ordered to be put, and pending the same,

On motion of Mr. Street,

The House adjourned.

TUESDAY, January 7, 1840.

Mr. Jenkins presented the account of Edward Campbell, for sundry articles furnished the Legislative Assembly.

Ordered, That the same be referred to the committee on claims.

Mr. Bracken, from the select committee to which the subject was referred, reported a memorial, which was read the first and second time, entitled as follows:

No. 5, "Memorial to Congress relative to duties on imported lead."

On motion of Mr. Cruson,

Ordered, That 500 copies of said memorial be printed for the use of this House.

(The above memorial is contained in the Appendix.)

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 28, "A bill to amend an act of the Revised Statutes of the Territory of Wisconsin, entitled, 'An act concerning judgments and executions.'"

No. 34, "A bill relating to strays."

The Speaker laid before the House a communication from Moses M. Strong, Esq., in answer to a resolution of yesterday, calling on him to state on what appropriations he had disbursed the money received by him as fiscal agent.

Read and laid on the table.

(See Appendix, document M.)

The Speaker, also, laid before the House a statement from A. A. Bird, relating to the report of the joint committee on public buildings, which was read.

(See Appendix, document N.)

Mr. Wells moved that 250 copies of the same be printed for the use of this House.

The ayes and noes being called on said motion, there were ayes 13, noes 12.

Those who voted in the affirmative were, Messrs. Bracken, Brunson, Childs, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells.

Those who voted in the negative were, Messrs. Baldwin, Beardsley, Billings, Blackstone, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Street and Whiton, speaker.

So the motion was agreed to.

Mr. Wells offered the following resolution, which was adopted:

Resolved, That A. A. Bird, or either of the persons named in the contracts, the copies of which are given in the statement of said Bird, made to this House this day, be permitted to attach their certificates, under oath, as to the truth of said statement, which shall be printed with said statement; that the original contracts be furnished this House, and that the statement, together with said contracts, be referred to a select committee, who are hereby instructed to report to this House to-morrow, as to the genuineness of the contracts, and to the allegations set forth in the statement; the said contracts to be returned to said Bird, after they shall have been reported upon.

Messrs. Dewey, Sholes and Ray were appointed said committee.

Mr. Sholes asked to be excused from serving on said committee, and moved that Mr. Wells be substitued.

The House refused to excuse Mr. Sholes.

Mr. Dewey moved that the whole committee be excused.

The motion was disagreed to.

Mr. Shackelford moved that the mover of the resolution (Mr. Wells) be added to the committee as chairman.

The motion was agreed to.

On motion of Mr. Cruson,

Mr. Conroe was added to said committee.

On motion of Mr. Wells,

Mr. Blackstone was added to said committee.

Mr. Street moved that Mr. Billings be added to said committee.

The motion was disagreed to.

On motion of Mr. Dewey,

Mr. Shackelford was added to said committee.

Mr. Wells asked to be excused from serving on said committee.

The House refused to excuse him.

Mr. Story, from the select committee to which the subject was referred, made the following report:

The committee to whom was referred the account of H. N. Wells, the Attorney-General of the Territory, for professional services and expenses incurred in prosecuting suits of the Territory vs. the Bank of Wisconsin, have examined said account and deem it proper that it should be allowed.

The said report was then referred to the committee on expenses.

The following message was received from the Council by their secretary:

"Mr. Speaker—The Council have concurred in bill No. 5, of this House, entitled, 'Bill to organize the county of St. Croix,' with amendments, in which the concurrence of this House is requested.

"Have insisted on their amendment to bill No. 4, of this House, entitled, 'A bill to establish certain ferries therein named,' and have negatived, by striking out the enacting clause, bill No. 31, of this House, entitled, 'A bill to incorporate the rector, wardens and vestrymen of Trinity Church, at Mineral Point.'"

And then he withdrew.

The House then proceeded to the orders of the day.

The undermentioned bills were then severally read the third time, passed, and the titles thereof agreed to, viz:

No. 28, "A bill to amend an act of the Revised Statutes of the Territory of Wisconsin, entitled, 'An act concerning judgments and executions.'"

No. 34, "A bill relating to strays."

No. 29, (Council file,) "A bill to establish the town of Bristol, in the county of Racine."

No. 34, (Council file,) "A bill for the relief of the county officers of Crawford county."

The ayes and noes were called on the passage of said bill, and were as follows:

Ayes—Messrs. Baldwin, Billings, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Ray, Shew, Sholes, Story, Street, Sutherland, Wells and Whiton, speaker—18.

Noes—Messrs. Beardsley, McGregor, Newman, Shockelford and Stevens—5.

The amendments of the Council to the following bills were then severally concurred in, viz:

No. 5, "A bill to organize the county of St. Croix;" and,

No. 15, "A bill to amend an act of the Revised Statutes of Wisconsin of 1839, entitled, 'An act concerning the supreme and district courts.'"

Ordered, That the clerk request the concurrence of the Council in bills Nos. 28 and 34, (of this House,) and inform them of the concurrence of this House in bills Nos. 29 and 34, (C. F.,) and in the amendments to bills Nos. 5 and 15.

No. 4, "A bill to establish certain ferries therein named," in which the Council insisted on their amendments, was then taken up, and the question being whether the House would insist on their non-concurrence,

Mr. Wells moved the indefinite postponement of said question, and called for the ayes and noes thereon.

Mr. Bracken moved that the House adjourn until 2 o'clock P. M.

The motion was lost.

The ayes and noes were then taken on the motion of Mr. Wells, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Jenkins, Newman, Ray, Shackelford, Sholes, Story, Sutherland, Wells and Whiton, speaker—11.

Noes—Messrs. Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, McGregor, Shew and Street—12.

So the motion was lost.

On motion of Mr. Jenkins,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock.

The House resumed the consideration of the disagreement of the two Houses on the amendment to bill No. 4, and the question was put, "Will the House insist on their disagreement?" and was then decided in the affirmative.

Mr. Street moved that a committee of conference be appointed.

The motion was lost.

Ordered, That the clerk inform the Council thereof.

The House then proceeded to the unfinished business of yesterday; when,

On motion of Mr. Street,

A call of the House was had, and the serjeant-at-arms sent after Messrs. Longstreet and Sutherland, who were not in their seats.

Mr. Ray presented the account of J. C. Dennis & Co., for 300 copies of Coopers Tactics, and for stationary.

Mr. Story presented the account of John Catlin, for preparing the Local Laws for publication.

Ordered, That the said accounts be referred to the committee on claims.

Mr. Childs, from the committee on engrossed bills, by leave, reported No. 11, "Joint resolution calling on the Secretary of the Territory for certain information," to be correctly engrossed.

The serjeant-at-arms returned and reported Messrs. Longstreet and Sutherland in attendance.

No. 30, (Council file,) entitled, "A bill to provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly," was then taken up, and the question being on ordering the said bill to a third reading,

Mr. Cruson moved that the said bill be recommitted to the committee of the whole House.

The ayes and noes being called on said question, were as follows:

Ayes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Hoyt, Longstreet, Mc Gregor, Newman, Ray, Shew, Stevens, Story, Street and Wells —19.

Noes—Messrs. Beardsley, Dewey, Shackelford, Sholes, Sutherland and Whiton, speaker—6.

So the motion was agreed to.

No. 48, "A bill relating to the duties of register of deeds of the county of Rock," was then ordered to be engrossed and read a third time.

On motion of Mr. Shew,

The House resolved itself into the committee of the whole, Mr. Billings in the chair, on the aforesaid bill, No. 30, and on a bill and resolution entitled as follows, viz:

No. 35, "A bill to amend an act of the Statutes of the Territory of Wisconsin, entitled, 'An act concerning costs and fees.'"

No. 13, "Resolution relating to the settlement of the accounts of the late acting commissioner."

After a short time the committee rose and, by their chairman, reported to the House resolution No. 13, and bill No. 30 with, and bill No. 35 without, amendments.

The House concurred in the amendments of the committee to resolution No. 13.

On motion of Mr. Conroe,

Ordered, That said resolution, No. 13, be indefinitely postponed.

The question was then taken on ordering bill No. 35, to be engrossed and read a third time, and the ayes and noes being called on said question, were as follows:

Ayes—Messrs. Baldwin, Billings, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Jenkins, Shew, Sholes, Stevens, Street and Sutherland—15.

Noes—Messrs. Beardsley, Hoyt, McGregor, Newman, Ray, Shackelford, Story, Wells and Whiton, speaker—9.

So the said bill was ordered to be engrossed and read a third time.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed No. 37, 'A bill for the relief of insolvent debtors;' and have concurred in all the amendments of this House to No. 24, 'A bill to establish the county of Sac and to define its limits'—in the second with an amendment—in which bill, and amendment, the concurrence of this House is requested.

"And have rejected, on its first reading, bill No. 22, (of this House,) entitled, 'A bill to license teamsters.'

"The Governor has notified the Council that he did on yesterday, approve the following bills, viz:

"'An act to organize the county of Calumet, and to lay off the county of Winnebago.'

"'An act to divide the town of Delevan, and for other purposes.'

"'An act to amend an act, entitled, An act relating to the militia.' And,

"'An act to exonerate the several counties of the Territory from the payment of certain taxes.'"

And then he withdrew.

The question was then taken on agreeing to the amendment of the committee of the whole to bill No. 30, and the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Craig, Cruson, Dewey, Jenkins, McGregor, Sholes, Story and Street—13.

Noes—Messrs. Beardsley, Childs, Conroe, Hoyt, Newman, Ray, Shackelford, Shew, Stevens, Sutherland, Wells and Whiton, speaker—12.

So the House agreed to the amendment of the committee.

On motion of Mr. Wells,

A call of the House was had and the serjeant-at-arms was sent after Mr. Longstreet, who was not in his seat.

After a short time the serjeant-at-arms returned and reported that Mr. Longstreet was unable to attend on account of illness.

On motion of Mr. Sholes,

Ordered, That said bill, No. 30, be laid on the table.

Mr. Sholes, by leave, introduced the following resolution, which was read the first and second time, viz:

No. 14, "Joint resolution relative to the printing of the laws passed at the present session of the Legislative Assembly."

Mr. Ray presented a communication from William B. Slaughter, Secretary of Wisconsin, in answer to a resolution of 31st December last, requiring him to report in what manner he had disbursed the moneys that he has received as fiscal agent of this Territory.

(See Appendix, document O.)

Referred to the committee on claims.

On motion of Mr. Shackelford,

Ordered, That the report of Moses M. Strong, made to this House this morning, be also referred to the committee on claims.

Mr. Dewey, by leave, introduced memorial No. 6, entitled, "Memorial to Congress to extend the jurisdiction of justices of the peace."

Which was read the first and second time.

(The said memorial is contained in the Appendix.)

Mr. Jenkins, agreeably to previous notice for leave, introduced No. 49, "'A bill to regulate the mode of petitioning the Legislative Assembly."

Which was read the first and second time, and ordered to be printed.

On motion of Mr. Wells,

The House resolved itself into the committee of the whole, Mr. Dewey in the chair, having under consideration the following resolution and bills, viz:

No. 12, "Resolution relating to seals."

No. 37, "A bill to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

No. 41, "A bill to organize the county of Dodge;" and,

No. 45, "A bill concerning the duties of clerks of the boards of the county commissioners."

After some time the committee rose, and reported the said bills to the House without amendments, and they were severally ordered to be engrossed and read a third time.

Mr. Shackelford, from the committee on enrolment, reported the following acts to be correctly enrolled.

Which were signed by the Speaker, viz:

"An act to amend an act concerning justices of the peace."

"An act to prevent the sale of intoxicating liquors to Indians."

On motion of Mr. Baldwin,

The House adjourned.

WEDNESDAY, January 8, 1840.

Mr. Childs, from the committee on engrossed bills, reported

No. 12, "Resolution relating to seals."

No. 35, "A bill to amend an act of the Statutes of the Territory of Wisconsin, entitled, 'An act concerning costs and fees.'"

No. 45, "A bill concerning the duties of clerks of the boards of county commissioners;" and,

No. 48, "A bill relating to register of deeds of the county of Rock."

On motion of Mr. Brunson,

The following bills from the Council were read the first and second time by their titles, viz:

No. 37, "A bill for the relief of insolvent debtors."

No. 40, "A bill for the relief of Joseph R. Brown."

The Speaker laid before the House the following message from the Executive:

EXECUTIVE DEPARTMENT,
Madison, January 8th, 1840.

To the Council and House of Representatives:

I respectfully recommend that provision be made by law, or resolution of the Legislative Assembly, to pay the incidental expenses of the organization of the militia of this Territory, such as printing the laws, advertising, postage, and other matters appertaining to the Adjutant-General's office. Expenses have already been incurred in that department, for which there is no fund created by law for their payment.

Very respectfully,
Your obd't serv't,
HENRY DODGE.

On motion of Mr. Billings,

The said message was referred to the committee on the militia.

On motion of Mr. Cruson,

Ordered, That the clerk transmit to the Council the reports and accompanying documents of the committee of public buildings.

Mr. Wells, from the select committee to which the subject was referred, submitted the following report:

The select committee, to which was referred the statement of A. A. Bird, presented to this House yesterday, and the contracts in relation to the establishment of a mercantile house and the erection of a tavern in the city of Madison, have had the subject submitted to them under consideration, and ask leave briefly to report: That from the facts before us, no reason appears why full faith and credit should not be attached to the statements of Mr. Bird; that there can be no doubt as to the genuineness of the contracts, and that they have no evidence before them to induce the belief, nor the slightest reason of any kind to believe that there are any other contracts in existence, between the parties implicated in the report of the majority of the committee on the public buildings.

Mr. Shackelford moved that 250 copies of the report be printed with the statement of A. A. Bird, and that the oath of Mr. Bird and the report of the committee be appended thereto.

Mr. Conroe, of the said committee, dissented from the report, and moved that it be laid on the table.

The ayes and noes being called were as followes:

Ayes—Messrs. Beardsley, Brunson, Billings, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Street and Whiton, speaker—12.

Noes—Messrs. Baldwin, Blackstone, Bracken, Childs, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—14.

The question then recurred on the motion of Mr. Shackelford, and the ayes and noes being called, were as follows, viz:

Ayes—Messrs. Baldwin, Beardsley, Bracken, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—22.

Noes—Messrs. Billings and Street—2.

Mr. Beardsley, from the committee to which the subject was referred, made the following report:

The committee to which was referred the petitions and remonstrances of the citizens of Rock county, in relation to the seat of justice of said county beg leave to report: That they have had the same under consideration and deem it improper that the House should take any action on the subject. The committee would briefly present their reasons for this conclusion:

1st, Your committee are of opinion that when the seat of justice of any county has been fixed for any considerable length of time, it would be wrong to authorize its removal unless it were clear that a considerable majority of the inhabitants were desirous of the change; otherwise the county seat may be frequently removed at great expense to the people, and to their great incovenience.

2d, It appears from the examination of the petitions and remonstrances that the remonstrants have a large majority over the petitioners; there being of the former one hundred and thirty-five, and of the latter only seventy-four.

3d, The present seat of justice is within one mile of the geographical centre of the county, and will undoubtedly soon be, if it is not now, the centre of population.

In view of these facts, the committee think it inexpedient that the House should entertain the prayer of the petitioners, and beg leave to be discharged from the further consideration of the subject.

On motion of Mr. Shew,

The report was accepted and the committee discharged.

The House then proceeded to the orders of the day, when the undermentioned bills and resolutions were severally read the third time and passed, and their titles agreed to, viz:

No. 12, "Resolution relatiue to seals."

On motion of Mr. Wells,

The title of said resolution was amended by inserting the word "county" before "seals."

No. 11, "Joint resolution calling upon the Secretary of the Territory for certain information."

No. 35, "A bill to amend an act of the Statutes of the Territory of Wisconsin, entitled, 'An act concerning costs and fees.'"

No. 45, "A bill concerning the duties of clerks of the boards of county commissioners;" and,

No. 48, "A bill relating to register of deeds of the county of Rock."

Bill No. 24, entitled "A bill to establish the county of Sauk and to define its limits," returned from the Council with an amendment to the second amendment of the House, was taken up, and the amendment to the amendment was concurred in:

Ordered, That the Council be acquainted therewith, and be requested to concur in Resolutions Nos. 11 and 12, and bills Nos. 35, 45 and 48.

On motion of Mr. Dewey,

The House took up bill No. 30, (Council file,) entitled, "A bill to provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly."

Mr. Story moved a reconsideration of the vote taken on yesterday, agreeing to the report of the committee of the whole on said bill.

And the ayes and noes being called for, on the said motion, were as follows, viz:

Ayes—Messrs. Beardsley, Brunson, Childs, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Shackelford, Shew, Story, Sutherland and Whiton, speaker—14.

Noes—Messrs. Baldwin, Billings, Blackstone, Bracken, Conroe, Craig, Jenkins, Ray, Sholes, Stevens, Street and Wells—12.

So the said vote was reconsidered.

The question then recurred on agreeing to the report of the committee of the whole on said bill, which being put was disagreed to.

Mr. Street moved to amend the bill by adding to the second section of the bill the words, "at Mineral Point."

Mr. Dewey called for the previous question, which was ordered.

The main question was then put whether the bill should be ordered to the third reading, and passed in the affirmative.

On motion of Mr. Dewey,

Ordered, That the said bill be read the third time now.

The said bill was then read the third time, and on the question, "Shall the bill pass?"

The ayes and noes were called for and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shew, Stevens, Story, Street, Sutherland, Wells and Whiton, speaker—20.

Noes—Messrs. Billings Blackstone, Bracken, Jenkins, Shackelford and Sholes—6.

So the said bill passed and the title thereof was agreed to.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Dewey,

The undermentioned bills were considered in the committee of the whole, Mr. Shackelford in the chair, viz:

No. 25, (Council file,) "A bill to amend an act entitled 'An

act to change the corporate limits and powers of the town of Milwaukee."

No. 31, (Council file,) "A bill to incorporate the Wisconsin lead mining, smelting and manufacturing company."

No. 40, (Council file,) "A bill for the relief of Joseph R. Brown;"

No. 13, (H. R. file,) "A bill to amend an act concerning judgments and executions."

No. 39, (H. R. file,) "An bill to amend an act, entitled, 'An act, in addition to An act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes,' approved March 8th, 1839."

After some time the committee rose, and reported bills Nos. 13 and 39 with, and No. 25 without amendments, and reported the progress made on bills Nos. 31 and 40, and asked leave to sit again this afternoon.

The following message was received from the Council by their secretary:

"Mr. Speaker—The Council have passed the following bills and resolutions, in which I am directed to request the concurrence of this House, viz:

"No. 23, 'A bill to organize the towns of Wau-wau-to-sa and Aztalan.'

"No. 42, 'A bill to provide for laying out and establishing Territorial roads therein named.'

"No. 7, 'Resolutions relative to the southern boundary, and the admission of Wisconsion into the Union as a State.'

"And have concurred in the amendments of this House to bill No. 34, entitled, 'A bill for the relief of the county officers of Crawford county.'"

And then he withdrew.

On motion of Mr. Bracken,

The House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock.

Mr. Ray, from the committee on claims, by leave, reported sundry accounts to the House, which had been allowed by the said committee, and moved that they be referred to the committee on expenses.

So referred.

Mr. Wells, by leave, presented the accounts of A. A. Bird, as late acting commissioner of public buildings.

Referred to the committee on claims.

Mr. Beardsley, by leave, presented the account of E. V. Whiton, for professional services rendered the commissioners of public buildings.

Referred to the committee on claims.

The House then resumed the consideration of bills Nos. 13, 25, 39, 40 and 41.

Bill No. 25 was ordered to be engrossed for the third reading.

The report of the committee of the whole on bill No. 39 was agreed to, and the said bill ordered to be engrossed for the third reading.

The House agreed to the report of the committee on bill No. 13; and,

On motion,

The said bill was indefinitely postponed.

Leave was granted to the committee of the whole to sit again on bills Nos. 31 and 40 this afternoon.

The House then resolved itself into the committee of the whole, on said bills, Mr. Shackelford in the chair.

The secretary of the Council being annouced, the Speaker took the chair, when the following message was received:

"Mr. Speaker—The Council have adhered to their amendment made to bill No. 4, of this House, entitled, 'A bill to establish certain ferries therein named.'"

And then he withdrew.

The committee of the whole resumed its session, and after a short time rose and reported bill No. 40 without, and No. 31 with amendments.

The House agreed to the report of the committee, and on the question of ordering bill No. 31 to the third reading, the ayes and noes were called for, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Craig, Hoyt, Longstreet, Ray, Stevens, Sutherland Wells and Whiton, speaker—14.

Noes—Messrs. Cruson, Dewey, Jenkins, McGregor, Newman, Shackelford, Shew, Story and Street—9.

So the said bill was ordered to its third reading.

On motion of Mr. Dewey,

A call of the House was had, and the serjeant-at-arms sent after Messrs. Billings and Sholes, who were not in their seats.

Mr. Shackelford, from the committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker:

"An act for the relief of the county officers of Crawford county."

"An act to establish the town of Bristol in the county of Racine."

"An act to organize the county of St. Croix."

"An act to amend an act of the Statutes of 1839, entitled, 'An act concerning the supreme and district courts.'"

The serjeant-at-arms returned and reported that Mr. Billings was in attendance, and that Mr. Sholes was not to be found at his lodgings.

On motion of Mr. Bracken,

Ordered, That bill No. 31 be read a third time by its title now.

The said bill was then read the third time, passed and title agreed to.

On the question of the final passage of said bill, the ayes and noes were called, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Craig, Hoyt, Longstreet, Newman, Ray, Stevens, Sutherland, Wells and Whiton, speaker—15.

Noes—Messrs. Billings, Conroe, Cruson, Dewey, Jenkins, Mc Gregor, Shew, Story and Street—9.

Bill No. 40 was ordered to its third reading.

On motion of Mr. Street,

Ordered, That the said bill No. 40 be read a third time by its title now.

The said bill was then read a third time and passed, and the title thereof agreed to.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 37, "A bill to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

No. 41, "A bill to organize the county of Dodge."

On motion of Mr. Wells,

The House resolved itself into the committee of the whole, Mr. Jenkins in the chair, on the following memorials, viz:

No. 5, (Council file,) "Memorial to Congress for appropriations for Lake Michigan and Mississippi rail-road."

No. 6, (Council file,) "Memorial to Congress for an appropriation for the Fox, Wisconsin, and other rivers."

No. 7, (Council file,) "Memorial to Congress for an appropriation for survey and construction of a rail-road from Platteville to the Mississippi."

No. 6, (H. R. file,) "Memorial to Congress to extend the jurisdiction of justices of the peace."

After some time the committee rose, and reported the said memorials to the House, No. 6, (Council file,) with, and Nos. 5 and 7, (Council file,) and No. 6, (H. R. file,) without amendment.

The House concurred in the amendment of the committee to No. 6, (C. F.)

Mr. Stevens moved that the House do now adjourn.

The motion was disagreed to.

Memorial No. 6 (C. F.) was then ordered to be laid on the table,

Memorials Nos. 5 and 7 (C. F.) were then severally ordered to their third reading.

Memorial No. 6 (H. R. file) was ordered to be engrossed and read a third time.

Mr. Cruson offered the following resolution which was adopted:

Resolved, That the use of the Hall of Representatives be tendered to the Rev. James Mitchell, for the purpose of holding divine worship this evening.

Mr. Sutherland moved that the House do now adjourn.

The motion was disagreed to.

Mr. Story moved to adjourn until 7 o'clock P. M.

The motion was disagreed to.

Mr. Conroe, from the committee appointed yesterday to examine and report as to the genuineness of the contracts and allegations set forth in the statement of Mr. Bird, made to this House, by leave, submitted a minority report.

Mr. Billings moved that 250 copies of the said report be printed, and that it be appended to the majority report.

Mr. Stevens moved to adjourn.

Which was disagreed to.

The motion of Mr. Billings was then agreed to.

Mr. Bracken, by leave. presented two accounts of James Morrison, one for rent of Library, and the other for lumber used by the commissioners of public buildings.

Mr. Jenkins presented the account of Edward Campbell for hauling stove from Milwaukee.

The said several accounts were referred to the committee on claims.

And then the House adjourned.

THURSDAY, January 9, 1840.

Mr. Cruson presented the petition of Samuel Hubbard, praying for a divorce,

Mr. Sholes moved that the petition be laid on the table.

Mr. Shew moved to amend the motion, that it be laid on the table until the first day of the extra session.

The amendment to the motion was agreed to, and the motion decided in the affirmative.

On motion of Mr. Shew,

Resolved, That the Secretary of this Territory be required to transmit one copy of the laws of this Territory to the Secretaries of each of the States and Territories in the United States.

Mr. Ray, from the committee on claims, reported several accounts which had been allowed by the said committee, and moved that they be referred to the committee on expenses.

So referred.

The Speaker laid before the House a message from the Executive, notifying the House that he had on this day examined and approved of the following acts, viz:

"An act to organize the county of St. Croix."

"An act to amend an act of the Revised Statutes of 1839, entitled 'An act concerning the supreme and district courts.'"

The House then proceeded to the orders of the day, when the undermentioned bills and memorials were read the third time, passed and titles thereof agreed to.

No. 5, (Council file,) "Memorial to Congress for appropriations for Lake Michigan and Mississippi rail-road."

No. 7, (Council file,) "Memorial to Congress for an appropriation for survey and construction of a rail-road from Platteville to the Mississippi."

No. 25, (Council file,) "A bill to amend an act, entitled, 'An act to change the corporate limits and powers of the town of Green Bay.'"

No. 37, (H. R. file,) "A bill to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

No. 41, (H. R. file,) "A bill to organize the county of Dodge."

Ordered, That the Council be requested to concur in bills Nos. 37 and 41.

The House then took up memorials Nos. 3 and 4, each entitled, "Memorial to Congress concerning pre-emption rights to miners."

And the question being on ordering memorial No. 3 to be engrossed and read a third time, and the ayes and noes being called, it was determined in the affirmative.

Those voting in the affirmative were, Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Street and Sutherland—21.

Those voting in the negative were, Messrs. Billings, Conroe, Jenkins, Wells and Whiton, speaker—5.

On motion of Mr. Bracken,

Memorial No. 4 was ordered to lie on the table.

Mr. Street offered the following resolution :

Resolved, That James D. Doty, our Delegate in Congress be, and he is hereby requested to exert himself in Congress to get the termination of the Racine and Sinipee Territorial road changed so as to pass through Platteville and terminate at Lafayette, on the Mississippi river, in Grant county.

On motion of Mr. Bracken,

Ordered, That the said resolution be laid on the table.

Mr. Street offered the following resolution :

Resolved, That J. D. Doty, our Delegate in Congress, be requested to use his exertions to get the termination of the Territorial road leading from Racine to Sinipee so changed as to terminate at Platteville, and that from thence there be two branches, one terminating at Lafayette, and the other at Sinipee.

The ayes and noes were called on the passage of said resolution, and were as follows :

Ayes—Messrs. Blackstone, Brunson, Conroe, Craig, Cruson, Dewey, Longstreet, Newman, Stevens, Story, Street and Whiton, speaker—12.

Noes—Messrs. Baldwin, Beardsley, Billings, Bracken, Childs, Hoyt, Jenkins, McGregor, Shew, Sholes, Sutherland and Wells—12.

So the resolution was not adopted.

On motion of Mr. Dewey,

Resolution No. 4, (Council file,) entitled, "Resolution to locate the university lands," was then taken up, and ordered to be read a third time.

On motion of Mr. Dewey,

Ordered, That the said resolution be read by its title the third time now.

The said resolution was then read the third time, passed and the title thereof agreed to.

Ordered, That the Council be informed thereof.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed the following bills, in which I am directed to request the concurrence of this House, viz:

"No. 28, 'A bill to quiet the title of lands sold for taxes.'

"No. 35, 'A bill to amend an act entitled, An act to amend an act to incorporate the Portage canal company.' And,

"No. 25, of this House, entitled, 'A bill to amend an act to provide for aiding in the construction of the Milwaukee and Rock river canal,' with an amendment, in which I am also directed to request the concurrence of this House.

"The Governor has notified the Council that he did, on yesterday, examine and approve the following, viz:

"'An act to incorporate the Michigan and Rock river rail-road company.'

"'An act to prevent the sale of intoxicating liquors to Indians.'

"'An act to amend an act concerning justices of the peace.' And,

"'Resolution relative to the adjournment of the Legislature.'

"And that he has, on this day, examined and approved the following, viz:

"'An act to establish the town of Bristol, in the county of Racine.' And,

"'An act for the relief of the county officers of Crawford county.'"

And then he withdrew.

Mr. Dewey moved a reconsideration of the vote taken on yesterday by which the minority report, relating to the contracts and statement of A. A. Bird, was ordered to be printed; and,

The ayes and noes being called for, were as follows:

Ayes—Messrs. Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Stevens, Story, Street, Sutherland and Whiton, speaker—22.

Noes—Messrs. Baldwin, Sholes and Wells—3.

On motion of Mr. Childs,

Ordered, That the minority of the said committee have leave to withdraw its report and that the committee be discharged.

The House then took up and considered the message from the Council returning bill No. 25 with an amendment, entitled, "A bill to amend an act to provide for aiding in the construction of the Milwaukee and Rock river canal," and *refused to concur* in the said amendment.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Sutherland,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock.

On motion of Mr. Dewey,

The undermentioned *bills* and *resolutions* from the Council were read the first and second time, viz:

No. 23, "A bill to organize the towns of Wau-wau-to-sa and Aztalan."

No. 28, "A bill to quiet the title to lands sold for taxes."

No. 35, "A bill to amend an act entitled, 'An act to amend an act to incorporate the Portage canal company.'"

No. 42, "A bill to provide for laying out and establishing Territorial roads therein named."

No. 7, "Resolutions relative to the southern boundary, and the admission of Wisconsion into the Union as a State."

On motion of Mr. Dewey,

Bills from the Council of the following titles, to wit:

No. 38, "A bill in relation to hawkers and pedlers;"

No. 41, "A bill to provide for laying out and opening Territorial roads, and for other purposes;"

No. 42, "A bill to provide for laying out and establishing Territorial roads therein named;"

And bills of this House as follows:

No. 43, "A bill to provide for laying out and establishing certain Territorial roads therein named;"

No. 44, "A bill to provide for establishing the seat of justice of Racine county;"

No. 47, "A bill to amend an act entitled, 'An act to provide for assessing and collecting county revenue;'

Were committed to the committee of the whole.

The House then resolved itself into the committee of the whole, on said bills, Mr. Dewey in the chair.

After some time the committee rose, and reported bills Nos. 38, 42 and 47 with amendments, and Nos. 41, 43 and 44 without amendment.

On motion of Mr. Dewey,

Bill No. 43 was indefinitely postponed.

On motion of Mr. Stevens,

Bill No. 44 was ordered to lie on the table until the first Monday of August next.

On motion of Mr. Sutherland,

The report of the committee on bill No. 42, was amended by striking out, in section 27, all after the word, "to," in the sixth line, to the close of the section, and insert "Janesville, in Rock county."

The report of the committee was then agreed to, and the said bill, and bill No. 41, were severally ordered to a third reading.

On motion of Mr. Shew,

Bill No. 38 was indefinitely postponed.

The report of the committee was agreed to on bill No. 47, and the bill ordered to be engrossed for a third reading.

Mr. Street, from the committee to which a petition of the inhabitants of the town of Mentor was referred, by leave, reported bill No. 50, entitled,

"A bill to change the name of the town of Mentor, in the county of Milwaukee."

Which was read the first and second time.

Mr. Shackelford, from the committee on Territorial affairs, to whom was referred a resolution of this House on the subject of the United States road from Racine to Sinipee, by leave, reported resolution No. 15, entitled,

"Joint resolution relating to United States road leading from Racine to Sinipee."

Which was read the first and second time.

On motion of Mr. Sholes,

The House resolved itself into committee of the whole, Mr. Shew in the chair, having under consideration the following bills and resolution, viz:

No. 14, (H. R. file,) "Joint resolution relating to the printing of the laws passed at the present session of the Legislative Assembly."

No. 38, (H. R. file,) "A bill in relation to mills and mill dams."

No. 46, (H. R. file,) "A bill to change the time of holding courts in the second judicial district."

No. 39, (Council file,) "A bill to provide for holding the district court within the county of Brown, and for other purposes."

After some time the committee rose and, by their chairman, reported the said resolution and bills Nos. 38 and 39 to the House with, and bill No. 46 without, amendments.

The House concurred in the amendments of the committee to bill No. 38.

Mr. Wells moved to amend said bill by adding two new sections, as follows:

Sec. 41. This act shall not in any way or manner affect any suit or suits now pending either in law or chancery, nor shall it affect any causes of action, rights or remedies, which may have accrued before the passage of this act.

Sec. 42. This act shall take effect from and after the first day of May, A. D. 1840.

The amendment was adopted.

On motion of Mr. Sholes,

The rule was suspended which requires bills to be engrossed before their third reading, and the same bill was ordered to be read a third time by its title now.

The said bill was then read a third time, and on the question, "Shall this bill pass?" the ayes and noes were called, and were as follows:

Ayes—Messrs. Beardsley, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Hoyt, Jenkins, Longstreet, Ray, Shew, Sholes, Stevens, Story, Wells and Whiton, speaker—17.

Noes—Messrs. Conroe, Dewey, McGregor, Newman, Shackford and Street—6.

So the said bill was passed and the title was then agreed to.

Ordered, That the concurrence of the Council be requested in said bill.

Bill No. 46 was then ordered to be engrossed and read a third time.

Mr. Childs offered the following amendment to bill No. 30, which was adopted:

Strike out the amendment of the committee of the whole, and insert,

"*Provided*, That the board of the county commissioners shall not allow to be paid out of the county treasury an amount to exceed the sum of fifteen dollars in any one year, to defray the additional expense of holding the said district court at the town of Green Bay."

The report of the committee was then agreed to, and said bill was ordered to its third reading.

On motion of Mr. Jenkins.

The question was taken separately on agreeing to the amendments of the committee to resolution No. 14, and the question being on agreeing to the first amendment, the ayes and noes were taken, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shew, Sholes, Stevens, Story, Street, Sutherland and Whiton, speaker—22.

Noes—Messrs. Billings, Jenkins, Shackelford and Wells—4.

So the first amendment was agreed to.

The second amendment was then agreed to.

Mr. Billings moved to amend the said bill as follows:

Strike out the words "Harrison Reed, editor of the Milwaukee Sentinel," and insert in lieu thereof, "H. B. Welsh & H. Plowman, editors of the Miners' Free Press."

A division of the question being called for, the question was taken on striking out, and the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Billings, Conroe, Cruson, Dewey, Jenkins, Longstreet, Ray, Street and Whiton, speaker—10.

Noes—Messrs. Beardsley, Blackstone, Bracken, Brunson, Childs, Craig, Hoyt, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—16.

So the House refused to strike out for the purpose of inserting H. B. Welsh & H. Plowman, editors of the Miners' Free Press.

Mr. Street offered the following amendment:

Strike out the words "Harrison Reed, editor of the Milwaukee Sentinel," and insert in lieu thereof the words, "Josiah A. Noonan, editor of the Madison Enquirer."

Mr. Wells called for the previous question, which was then pu in these words, "Shall the main question be now put?"

And the ayes and noes being called for on said question, were as follows:

Ayes—Messrs. Beardsley, Blackstone, Bracken, Childs, Hoyt, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Sutherland and Wells—13.

Noes—Messrs. Baldwin, Billings, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, Longstreet, Ray, Story, Street and Whiton, speaker—13.

So the main question was not ordered.

The question then recurred on agreeing to the amendment of Mr. Street, when

Mr. Sutherland moved to amend the amendment offered by Mr. Street, by inserting the words, "W. W. Wyman, editor of the Madison Express."

The amendment to the amendment was not adopted.

The question then recurred on the amendment offered by Mr. Street, and the question being divided, the ayes and noes were called on striking out, and were as follows:

Ayes—Messrs. Baldwin, Billings, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, Longstreet, Ray, Street and Whiton, speaker—12.

Noes—Messrs. Beardsley, Blackstone, Bracken, Childs, Hoyt, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—14.

So the House refused to strike out for the purpose of inserting Josiah A. Noonon, editor of the Madison Enquirer.

Mr. McGregor called for the previous question.

Mr. Street moved to adjourn, and the ayes and noes being called on said motion, were as follows:

Ayes—Messrs. Baldwin, Billings, Brunson, Craig, Cruson, Dewey, Jenkins and Street—8.

Noes—Messrs. Beardsley, Blackstone, Bracken, Childs, Conroe, Hoyt, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—18.

So the motion was disagreed to.

The main question was then ordered, and was put in these words, viz: "Shall the resolution be engrossed and read the third time?"

And was decided in the affirmative.

Mr. Bracken, from the committee appointed for the purpose, made the following report:

The committee on claims, to whom were referred the report of Col. William B. Slaughter, late fiscal agent of this Territory, beg leave to report:

That Col. Slaughter received of the Bank of Missouri, on the faith of the Territory, $20,000, less the interest for four months, at 7 per cent. per annum, making the sum actually received by him $19,517 80

Of Moses M. Strong, fiscal agent, under a resolution of the Legislature, the sum of 3,200 00

Making the aggregate sum of $22,717 80

The committee have compared the vouchers of Col. Slaughter, with the appropriation act, approved the 3d of March, 1839, and find that, except $15 to John Wentworth, that the said appropriations, amounting to the sum of $3,511 61, have been paid.

The committee have also compared the vouchers of Col. Slaughter with the appropriations made under the act, approved the 11th of March, 1839, and find the same to have been all paid, except $10 to Edward McSherry, $5 to Gordon & McCall, $437 63-100 to J. C. Dinnis & Co., $12 to William Bidwell, and $830 50-100 to Moses M. Strong, Esq., late fiscal agent, for which sum Mr. Strong claims a credit in his account with the Territory. The sums paid under that appropriation amount to $20,822 96-100.

The committee further report, that in addition to the foregoing sums, Col. Slaughter paid the mileage and per diem allowance of the members for the last session of the Legislative Assembly, amounting to the sum of $5,850 00. It will therefore appear, that Col. Slaughter has paid $7,555 77 more than he was responsible for as fiscal agent of the Territory.

A. E. RAY,
Chairman of Committee on Claims.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 6, "Memorial to Congress to extend the jurisdiction of justices of the peace."

No. 39, "A bill to amend an act entitled, 'An act in addition to An act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes,' approved March 8th, 1839."

Mr. Story, from the committee on expenses, reported bill No. 51, entitled,

"A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

Which was read the first and second time.

Mr. Beardsley presented the account of Edward Elderkin, for services as serjeant-at-arms pro tem.

Mr. Wells presented the account of Simeon Mills, for carrying the mail once each week extra, during the present session, between Madison and Milwaukee.

Mr. Ray presented the account of Peter W. Matts.

Ordered, That the said accounts be referred to the committee on claims.

Mr. Ray, from the committee on claims, reported that the committee had allowed the account of James Morrison, and moved that the same be referred to the committee on expenses.

So referred.

And then the House adjourned.

FRIDAY, January 10, 1840.

On motion of Mr. Childs,

Ordered, That the reading of the Journal of yesterday be dispensed with for the present.

Mr. Bracken presented the account of J. A. Noonan for printing.

Mr. Ray presented the account of J. A. Noonan, for papers furnished the members of the Legislative Assembly.

Referred to the committee on printing.

Mr. Ray, from the committee on claims, reported several accounts as allowed by the committee, which were referred to the committee on expenses.

Mr. Jenkins, from the committee on the militia, reported, No. 16, "Resolution relative to the expenses of the Adjutant-General's office."

Which was read the first and second time.

Mr. Bracken, from the committee to which the subject was referred, made the following report:

The committee on claims, to which was referred the account of A. A. Bird, report that they have adjudicated his account, and find that he has a claim as commissioner of public buildings for $2,225, allowing him five dollars per day for his services, in pursuance of a resolution passed at the last session of the Legislature.

The committee know of no fund other than that donated by Congress, out of which Mr. Bird could be paid. They would, therefore, offer the following resolution, viz:

No. 17, "Resolution concerning the settlement of the accounts of the late acting commissioner."

The report of the committee was accepted, and the resolution was read the first and second time.

Mr. Sholes, from the committee on printing, reported that the committee had examined and allowed the account of Welsh & Plowman.

Which was then referred to the committee on expenses.

The Speaker laid before the House the report of the Territorial Librarian.

Which was read and referred to the committee on expenses.

Mr. Longstreet introduced the following resolution, which was read the first and second time, viz:

No. 18, "Resolution relating to the election of canal commissioners."

On motion of Mr. Bracken,

The report of the committee on claims relating to the account of William B. Slaughter, made to this House yesterday, was referred back to the said committee.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 3, "Memorial to Congress concerning pre-emption rights to miners."

No. 14, "Joint resolution relating to the printing of the laws passed at the present session of the Legislative Assembly."

No. 46, "A bill to change the time of holding courts in the second judicial district."

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"An act to establish the county of Sauk."

"An act to provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly."

The House then proceeded to the orders of the day.

The undermentioned bills, resolutions and memorials, of this House, were severally read the third time, passed, and titles thereof agreed to, viz:

No. 3, "Memorial to Congress concerning pre-emption rights to miners."

No. 6, "Memorial to Congress to extend the jurisdiction of justices of the peace."

No. 39, "A bill to amend 'An act entitled an act in addition to an act to establish the seat of government of the Territory o

Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes,' approved March 8th, 1839."

No. 46, "A bill to change the time of holding courts in the second judicial district."

No. 14, "Joint resolution relating to the printing of the laws passed at the present session of the Legislative Assembly."

On the passage of the latter resolution, the ayes and noes were called for and were as follows:

Ayes—Messrs. Beardsley, Blackstone, Bracken, Childs, Hoyt, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—14.

Noes—Messrs. Baldwin, Billings, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, Longstreet, Ray, Street and Whiton, speaker—12.

Also, the undermentioned bills and memorial from the Council, viz:

No. 39, "A bill to provide for holding the district court within the county of Brown, and for other purposes."

No. 41, "A bill to provide for laying out and opening Territorial roads, and for other purposes."

No. 42, "A bill to provide for laying out and establishing Territorial roads therein named."

No. 6, "Memorial to Congress for an appropriation for the Fox, Wisconsin, and other rivers."

Ordered, That the Council be requested to concur in the aforesaid memorials, bills and resolutions of this House, and in the amendments to bills Nos. 39 and 42, and memorial No. 6 from the Council.

On motion of Mr. Sholes,

Resolution No. 18, entitled, "Resolution relating to the canal commissioners," was read the third time, passed and title thereof agreed to; all rules prohibiting it so to be read, having been suspended for that purpose.

Ordered, That the Council be requested to concur in the said resolution."

Mr. Sholes, from the joint committee on printing, reported the said committee had allowed the account of D. H. Richards, and moved that it be referred to the committee on expenses.

The account was so referred.

On motion of Mr. Dewey,

The House went into committee of the whole, on the following from the Council, Mr. Blackstone in the chair, viz:

No. 9, "A bill to amend an act entitled, 'An act to restrain unauthorized banking, and for other purposes."

No. 28, "A bill to quiet the title of lands sold for taxes."

No. 37, "A bill for the relief of insolvent debtors."

No. 7, "Resolutions relative to the southern boundary, and the admission of Wisconsin into the Union as a State." And,

No. 15, (H. R. file,) "Joint resolution relating to the United States road leading from Racine to Sinipee."

The secretary of the Council being announced, the Speaker took the chair, when the following message was received:

"Mr. Speaker—The Council have passed the following bills and memorial in which I am directed to request the concurrence of this House, viz:

"No. 43, 'A bill supplimentary to an act for assessing and collecting county revenue.'

"No. 43, A, 'A bill to incorporate the Blue Mounds mining, smelting and manufacturing company.'

"No. 48, "A bill to authorize the county of Iowa to collect taxes from the county of Dane, for the year 1838."

"No. 52, 'A bill concerning actions relating to real property.'

"No. 9, 'Memorial to Congress for appropriation of lands for manual labor colleges.'

"They have concurred in bill No. 24, of this House, entitled, 'A bill to provide for the support of common schools, and for other purposes,' with amendments, in which amendments I am directed to ask the concurrence of this House.

"They have also concurred in the amendments of this House to bill No. 31, entitled, 'A bill to incorporate the Wisconsin lead mining, smelting and manufacturing company,' and have receded from their amendments to bill No. 25, of this House, entitled, 'A bill to amend an act to provide for aiding in the construction of the Milwaukee and Rock river canal.'

And then he withdrew.

The committee again resumed its session, and after some time spent therein rose and reported

Resolution No. 15, and bill No. 37 without amendment; and,

Resolution No. 7, and bills Nos. 9 and 28 with amendments to each.

Resolution No. 15 was ordered to be engrossed for the third reading; and,

On motion of Mr. Dewey,

Was read the third time, passed and the title thereof agreed to.

The amendments to resolution No. 7 were then agreed to, and the resolution ordered to be read a third time now by its title.

The resolution was then read the third time, when Mr. Shackelford moved that it be recommitted to the committee of the whole.

The motion was decided in the negative.

The question then recurred on its passage, and the ayes and noes were called for, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Conroe, Craig, Cruson, Jenkins, Longstreet, Ray, Sholes, Stevens, Story, Street, Sutherland Wells and Whiton, speaker—18.

Noes—Messrs. Childs, Dewey, Hoyt, McGregor, Newman and Shackelford—6.

The title to said resolution was then agreed to.

The report of the committee to bill No. 28 was agreed to, and the bill ordered to be read a third time now by its title.

The said bill was then read the third time, passed, and,

On motion of Mr. Story,

The title amended to read "A bill to amend an act enti 'An act concerning the time of commencing actions.'"

The question then recurred on agreeing to the report of t committee on bill No. 9, when

Mr. Wells moved a call of the House, which was not ordered.

On the question of agreeing to the report of the committee, the ayes and noes were called for, and were as follows, viz:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Street and Whiton, speaker—20.

Noes—Messrs. Childs, Hoyt, Story, Sutherland and Wells —5.

Ordered, That the said bill be read a third time by its title now.

The said bill was then read the third time, passed and the title thereof agreed to.

On motion of Mr. Childs,

Ordered, That bill No. 37 be recommitted to the committee of the whole.

Ordered, That the concurrence of the Council be requested in resolution No. 15, and in the amendments to resolution No. 7, and bills Nos. 9 and 28.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, viz:

"An act to incorporate the Wisconsin lead mining, smelting, and manufacturing company."

"Resolution to locate the university lands."

"An act for the relief of Joseph R. Brown."

"An act to amend an act to change the corporate limits and powers of the town of Milwaukee."

"Memorial to Congress for an appropriation for survey and construction of a rail-road from Platteville to the Mississippi."

"Memorial to Congress for appropriations for Lake Michigan and Mississippi rail-road."

On motion of Mr. Cruson,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock.

The Speaker signed the several acts which had been reported as correctly enrolled previous to adjournment.

The Journal of yesterday was then read and corrected.

On motion of Mr. Dewey,

The following bills, returned from the Council with amendments, were taken up and considered, viz:

No. 4, "A bill to establish certain ferries therein named."

No. 24, "A bill to provide for the support of common schools, and for other purposes."

On motion of Mr. Sutherland,

Ordered, That the consideration of bill No. 4 be indefinitely postponed.

The amendments to bill No. 24 were then concurred in.

Ordered, That the clerk inform the Council thereof.

Mr. Dewey presented the account of John Sheedy, which was referred to the committee on claims.

On motion of Mr. Longstreet,

No. 9, "A bill to amend an act relating to roads and highways,"

Was taken up and considered, and the question being on ordering the said bill to be engrossed and read a third time,

On motion of Mr. Wells,

Ordered, That the said bill be laid on the table until the 4th day of July next.

Mr. Childs, from the committee on engrossed bills, reported to be correctly engrossed, viz:

No. 47, "A bill to amend an act entitled, 'An act to provide for assessing and collecting county revenue.'"

On motion of Mr. Wells,

The House resolved itself into committee of the whole, Mr. Story in the chair, on bills from the Council as follows, viz:

No. 17, "A bill to provide for the support of illegitimate children."

No. 23, "A bill to organize the towns of Wau-wau-to-sa and Aztalan."

No. 35, "A bill to amend an act entitled, 'An act to amend an act to incorporate the Portage canal company.'" And,

No. 36, "A bill to incorporate and regulate public libraries."

And on resolutions of this House, entitled,

No. 16, "Resolution relative to the expenses of the Adjutant-General's office."

No. 17, "Resolution concerning the settlement of the accounts of the late acting commissioner."

After some time the committee rose and, by their chairman, reported to the House the said resolutions, and bill No. 17, each with, and bills Nos. 23, 35 and 36 without, amendment.

The House concurred in the amendment of the committee to resolution No. 16.

The said resolution was then read a third time, passed and the title thereof agreed to; all rules to the contrary being suspended for that purpose.

Mr. Jenkins moved to amend the amendment of the committee of the whole to resolution No. 17, by inserting after the word "resolved," the words "by the Council and House of Representatives."

The amendment was agreed to.

The question then recurred on agreeing to the amendment of the committee, as amended, and the ayes and noes being called, were as follows, viz:

Ayes—Messrs. Conroe, Craig, Cruson, Jenkins, Street and Whiton, speaker—6.

Noes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Dewey, Hoyt, McGregor, Newman, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—18.

So the House refused to concur in the amendment of the committee of the whole as amended.

Mr. Billings moved that the said resolution be indefinitely postponed.

Mr. Street moved that a call of the House be had and absent members sent for.

The motion was disagreed to.

The question then recurred on the motion of Mr. Billings, and the ayes and noes being called, were as follows:

Ayes—Messrs. Billings, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, McGregor, Street and Whiton, speaker—10.

Noes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Hoyt, Longstreet, Newman, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—15.

So the motion was not agreed to.

The said resolution was then ordered to be engrossed and read a third time.

On motion of Mr. Shew,

Bill No. 17 was indefinitely postponed.

Bills Nos. 23 and 35 were severally ordered to the third reading; and,

On motion of Mr. Childs,

The said bills were severally read the third time, passed and the titles thereof agreed to.

The ayes and noes were called on the question of the final passage of Bill No. 35, and were as follows:

Ayes—Messrs. Baldwin, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Hoyt, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—19.

Noes—Messrs. Beardsley, Billings, Dewey, Jenkins, McGregor and Street—6.

On the question to order bill No. 36 to its third reading, the ayes and noes were called, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Hoyt, Longstreet, Newman, Sholes, Stevens, Street, Sutherland, Wells and Whiton, speaker —17.

Noes—Messrs. Billings, Dewey, Shackelford and Shew—4.

So the said bill was ordered to its third reading; and,

On motion of Mr. Street,

The said bill was read the third time, passed the title thereof agreed to.

Message from the Council by their secretary:

"Mr. Speaker—The Council have concurred in bills and a resolution of this House, viz:

"No. 30, 'A bill to provide for laying out a Territorial road from Fort Howard to Knaggs' ferry, in Brown county.'

"No. 34, 'A bill relating to strays.'

"No. 36, 'A bill to establish the towns of Pewaukee and Granville, in the county of Milwaukee.' And,

"No. 11, 'Joint resolution calling upon the Secretary of the Territory for certain information,' without amendment.

"And in the following bills and resolution, with amendments, in which I am directed to request the concurrence of this House, viz:

"No. 32, 'A bill in relation to assessors and supervisors of roads.'

"No. 35, 'A bill to amend an act of the Statutes of the Territory of Wisconsin, entitled, An act concerning costs and fees.'

"No. 48, 'A bill relating to the duties of the register of deeds of the county of Rock.' And,

"No. 12, 'Resolution relating to county seals.'"

"The have negatived No. 33, entitled, 'A bill relative to the writ of mandamus, and for other purposes,' by striking out the enacting clause."

And then he withdrew.

Ordered, That the concurrence of the Council be requested in resolutions Nos. 16 and 17, and that they be informed of the indefinite postponement of bill No. 17, and of the concurrence of this House in bills Nos. 23, 35 and 36.

Mr. Bracken, from the committee to which the report made yesterday relating to the disbursements of William B. Slaughter, as fiscal agent, was recommitted, reported the same back to the House amended, by the insertion of the words "to John Atchison, $116," after the words "Edward McSherry."

On motion of Mr. Bracken,

Ordered, That 150 copies of the said report be printed for the use of this House.

Mr. Longstreet, from the committee on enrolled bills, reported to be correctly enrolled, an act entitled,

"An act to provide for aiding in the construction of the Milwaukee and Rock river canal."

When the Speaker signed the same.

Mr. Sholes, from the committee on printing, reported that the committee had had under consideration the accounts of John P. Rogers and Thomas Watson & Son, and that they did not feel authorized to allow the said accounts, and reported the same back to the House for such further action as the House should see fit to take.

Ordered, That the same be referred to the committee on expenses.

Mr. Bracken, from the committee on claims, by leave, reported back to the House the accounts of William B. Slaughter, and moved that they be referred to the committee on expenses.

So referred.

On motion of Mr. Dewey,

Bill No. 47 was ordered to be read the third time by its title, which is as follows:

"A bill to amend an act entitled, 'An act to provide for assessing and collecting county revenue."

The said bill was then read the third time, passed and the title thereof agreed to.

Ordered, That the Council be requested to concur in the said bill.

Mr. Ray, from the committee to which the subject was referred, made the following report:

The committee on claims, to whom was referred the report of Moses M. Strong, Esq., late fiscal agent of the Territory, report:

That they have compared the vouchers of Mr. Strong, with the appropriations made under the act approved December 22, 1838. They find the same to have been all paid, except $37 to James Clarke, and $500 to William B. Slaughter, Esq.

The committee further report, that Mr. Strong has paid on appropriations the sum of $5,917 14

The per diem allowance of the members, and their mileage paid by him,	4,311 60
To William B. Slaughter, fiscal agent, in pursuance of a resolution of the Legislature,	3,200 00
Allowed to Mr. Strong, under the appropriation act of the 11th March, 1839,	830 00
Amounting to the sum of	$14,259 24

The above sum is what Mr. Strong will be entitled to, as an offset against the sum of $15,000, borrowed of Messrs. Collier & Pettus on the faith of the Territory.

It will appear that there is yet a balance in Mr. Strong's hands of $740 76-100; against this balance Mr. Strong claims an offset of $403, for expenses incurred by him in paying Messrs. Collier & Pettus, on account of the debt due them by the Territory.

The committee deemed it inexpedient to consider this account, but submit the same to the consideration of the House.

The committee having no vouchers before them of the payment of the sum of $15,000, received by Mr. Strong from the Secretary of the Treasury, and have not taken the same into consideration.

A. E. RAY,
Chairman of Committee on Claims.

On motion of Mr. Shackelford,

One hundred and fifty copies of the said report was ordered to be printed.

Mr. Ray, from the committee on claims, by leave, reported that the said committee had allowed the account of John Sheedy, and moved that it be referred to the committee on expenses.

So referred.

Mr. Childs, from the committee on engrossed bills, reported resolution No. 17 to be correctly engrossed, entitled,

"Resolution concerning the settlement of the accounts of the late acting commissioner."

The said resolution was then read the third time, and on the question, "Shall the resolution pass?" the ayes and noes were called for, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—15.

Noes—Messrs. Billings, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, McGregor, Street and Whiton, speaker—10.

So the said resolution passed, and the title was agreed to.

Ordered, That the Council be requested to concur therein.

The House then took up the message from the Council, returning several bills with amendments, and the amendments to the following bills were severally concurred in, viz:

No. 12, "Resolution relating to county seals."

No. 32, "A bill in relation to assessors and supervisors of roads."

No. 48, "A bill relating to the duties of the register of deeds of the county of Rock."

And the amendment to the following bill was non-concurred in, viz:

No. 35, "A bill to amend an act of the Statutes of the Territory of Wisconsin, entitled, 'An act concerning costs and fees.'"

Ordered, That the Council be acquainted therewith.

On motion of Mr. Bracken,

The House adjourned until 7 o'clock P. M.

EVENING SESSION.

Seven o'clock.

Mr. Shackelford, from the committee on enrolled bills, reported to be correctly enrolled,

"An act to provide for laying out and opening Territorial roads, and for other purposes."

When the Speaker signed the same.

Mr. Shackelford moved that the report of Moses M. Strong made to this House, on the 7th inst., be printed with the report of the committee on claims, relating to the manner in which the said Strong had disbursed the moneys which he had received as fiscal agent.

The ayes and noes were called on said question, and were as follows:

Ayes—Messrs. Beardsley, Brunson, Childs, Conroe, Craig, Hoyt, McGregor, Newman, Ray, Shackelford, Shew, Stevens and Sutherland—13.

Noes—Messrs. Baldwin, Billings, Bracken, Cruson, Dewey, Jenkins, Longstreet, Story, Wells and Whiton, speaker—10.

So the motion was agreed to.

Mr. Story, by consent, introduced the following resolution, which was read the first and second time, viz:

No. 19, "Resolution in addition to a resolution entitled, 'Resolution relating to the appointment of Samuel B. Knapp fiscal agent.'"

On motion of Mr. Childs,

The House resolved itself into the committee of the whole, Mr. Baldwin in the chair, on the said resolution, and a memorial and bill as follows, viz:

No. 5, "Memorial to Congress concerning the duties on imported lead."

No. 37, (Council file,) "A bill for the relief of insolvent debtors."

The secretary of the Council being announced, the Speaker took the chair, when the following message was received.

"Mr. Speaker—The Council have concurred in the following bills of this House, viz:

"No. 37, 'A bill to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

"No. 38, 'A bill in relation to mills and mill-dams."

"No. 39, 'A bill to amend an act entitled 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes,' approved March 8th, 1839.'

"No. 41, 'A bill to organize the county of Dodge.'

"No. 46, 'A bill to change the time of holding courts in the second judicial district.'

"The three last with amendments, in which I am directed to request the concurrence of this House.

"Have negatived bill No. 28, of this House, entitled, 'A bill to amend an act of the Revised Statutes of the Territory of Wisconsin, entitled, An act concerning judgments and executions.'

"And have concurred in the amendments of this House to the following:

"No. 28, 'A bill to quiet the title of lands sold for taxes.'

"No. 39, 'A bill to provide for holding the district court within the county of Brown, and for other purposes.'

"No. 42, "A bill to provide for laying out and establishing Territorial roads therein named.'

"No. 6, 'Memorial to Congress for appropriations for the improvement of the Fox, Wisconsin, and other rivers.' And,

"No. 7, 'Resolutions relative to the southern boundary, and the admission of Wisconsin into the Union as a State.'

"In bills Nos. 28 and 39, with amendments; in which amendments I am directed to ask the concurrence of this House.

"The Council have refused to concur in the amendment of this House to bill No. 9, entitled, 'A bill to amend an act entitled, An act to restrain unauthorized banking, and for other purposes.'"

And then he withdrew.

The committee then resumed its session, and after a short time rose and, by their chairman, reported the said memorial, resolution and bill, to the House without amendment.

On motion of Mr. Shew,

Resolution No. 19 was amended by inserting after the word "representatives," the words, "of the Territory of Wisconsin."

On motion of Mr. Billings,

The said resolution and memorial No. 5, were severally read a third time, passed, and the titles thereof agreed to; all rules prohibiting the same, being suspended for that purpose.

On motion of Mr. Wells,

Ordered, That bill No. 37 be laid on the table until to-morrow morning.

Ordered, That the clerk request the concurrence of the House in said memorial and resolution.

Message from the Council, returning bills with amendments, was then taken up and considered, when

The amendment to bill No. 39, "A bill to amend an act entitled 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes,' approved March 8th, 1839," was concurred in.

The House refused to concur in the amendment of the Council to No. 41, "A bill to organize the county of Dodge."

The amendment of the Council to No. 46, "A bill to change the time of holding courts in the second judicial district," was concurred in with an amendment.

The amendment of the Council to the amendment of the House to No. 28, (Council file,) "A bill to quiet the title of lands sold for taxes," was concurred in.

The amendment of the Council to the amendment of the House to No. 39, "A bill to provide for holding the district court within the county of Brown, and for other purposes," was concurred in with an amendment.

The House refused to recede from their amendment to No. 9, "A bill to amend an act entitled 'An act to restrain unauthorized banking, and for other purposes.'"

The ayes and noes being called on said question, were taken and were as follows:

Ayes—Messrs. Childs, Hoyt, Longstreet, Shackelford, Stevens, Story, Sutherland, Wells and Whiton, speaker—9.

Noes—Messrs. Baldwin, Beardsley, Billings, Bracken, Brunson, Conroe, Craig, Cruson, Dewey, Jenkins, McGregor, Newman, Ray and Shew—14.

On motion of Mr. Childs,

Ordered, That a committee, to consist of two members, be appointed to confer with a similar committee from the Council on the said disagreement.

Messrs. Wells and Bracken were appointed said committee, Mr. Childs declining to act.

Ordered, That the clerk inform the Council of the concurrence of this House in the amendments to bill No. 39, (H. R. file,) and in the amendment to the amendment to bill No. 28, (Council file,) and in the non-concurrence in amendments to bill No. 41, (H. R. file,) and request their concurrence in the amendments of this House to the amendments of the Council, to bills Nos. 46, (H. R. file,) and No. 39, (Council file,) and also request a committee of conference on the disagreeing vote on bill No. 9.

Mr. Story, from the committee on expenses, reported the report and accounts of William B. Slaughter, Secretary of the Territory, back to the House, and moved that Mr. Slaughter have leave to withdraw the same.

Leave was granted.

On motion of Mr. Childs,

The House adjourned until 9 o'clock A. M. to-morrow.

SATURDAY, January 11th, 1840.

On motion of Mr. Baldwin,

Ordered, That the reading of the Journal this morning be dispensed with.

On motion of Mr. Baldwin,

A call of the House was made and the serjeant-at-arms sent after absent members.

The serjeant-at-arms having returned and reported the attendance of the members,

The House proceeded to business.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which were then signed by the Speaker, viz:

"Joint resolution calling upon the Secretary of the Territory for certain information."

"Resolution relating to county seals."

"An act to provide for the support of common schools, and for other purposes."

"An act to provide for laying out a Territorial road from Fort Howard to Knaggs' ferry, in Brown county."

"An act relating to strays."

"An act relating to the duties of the register of deeds of the county of Rock."

"An act to establish the towns of Pewaukee and Granville, in the county of Milwaukee."

The Speaker laid before the House a message from the Executive, notifying the House that he had this day examined and approved, "An act to amend 'An act to provide for aiding in the construction of the Milwaukee and Rock river canal.'"

Mr. Sholes, from the committee on printing, reported the following resolution, which was read the first and second time, viz:

No. 20, "Resolution relative to printing the laws in the newspapers."

Mr. Sholes presented a petition from citizens of Sheboygan county, praying for the removal of the seat of justice of said county.

Laid on the table.

On motion of Mr. Conroe,

The resolution prohibiting new bills to be introduced was suspended for the purpose, and

Mr. Conroe, by unanimous consent, introduced the following bill, which was read the first and second time, viz:

No. 52, "A bill relative to the county officers of Sheboygan county."

On motion of Mr. Sholes,

The said bill was then read the third time, passed, and the title thereof agreed to; all rules prohibiting the same, being suspended for that purpose.

Ordered, That the concurrence of the Council be requested therein.

On motion of Mr. Wells,

The following bills and memorial, from the Council, were read the first and second time, viz:

No. 43, A, "A bill to incorporate the Blue Mounds mining, smelting and manufacturing company."

No. 48, "A bill supplementary to an act for assessing and collecting county revenue."

No. 48, "A bill to authorize the county of Iowa to collect taxes due from the county of Dane, for the year 1838." And,

No. 52, "A bill concerning actions relating to real property."

No. 9, "Memorial to Congress for appropriations of lands for manual labor colleges."

On motion of Mr. Billings,

The following bills from the Council were taken up and considered, viz:

No. 26, "A bill to amend the act entitled, 'An act to prescribe the mode of proceedings in chancery, and for other purposes.'" And,

No. 37, "A bill for the relief of insolvent debtors."

On motion of Mr. Dewey,

Ordered, That bill No. 26 be recommitted to the committee of the whole.

Mr. Wells offered the following amendment to bill No. 37, viz:

Insert between the words "of," and "such," in the 17th line of section second, as follows, to wit: "1, all choses in action, debts due and moneys on hand of."

The amendment was adopted.

On motion,

Ordered, That the said bill be read a third time by its title now.

The said bill was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in said amendment.

On motion of Mr. Wells,

The House resolved itself into the committee of the whole, on the aforesaid bill, No. 26, Mr. Beardsley in the chair.

After a short time the committee rose, and reported the said bill to the House with amendments.

The amendments were agreed to, and the said bill ordered to be read the third time by its title now.

The said bill was then read the third time, passed, and the title thereof agreed to.

Ordered, That the clerk request the concurrence of the Council in the said amendment.

On motion of Mr. Sholes,

Ordered, That bill No. 27, entitled, "A bill to incorporate the stockholders of the Bank of Sinipee," be indefinitely postponed.

On motion of Mr. Street,

The House resolved itself into the committee of the whole, Mr. Sholes in the chair, on bills of the following titles, (H. R. file,) to wit:

No. 49, "A bill to regulate the mode of petitioning the Legislative Assembly."

No. 50, "A bill to change the name of the town of Mentor, in the county of Milwaukee."

No. 51, "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes." And bill

No. 48, (Council file,) "A bill to authorize the county of Iowa to collect taxes due from the county of Dane for the year 1838."

After a short time the committee rose, reported the progress made therein, and asked leave to sit again this afternoon.

Leave was granted.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which were then signed by the Speaker, viz:

"An act to amend an act entitled, 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes,' approved March 8th, 1839."

"An act in relation to collectors, assessors and supervisors of roads."

"An act to amend an act entitled, 'An act to amend an act to incorporate the Portage canal company.'"

"An act to provide for laying out and establishing Territorial roads therein named."

"An act to incorporate and regulate public libraries."

"An act to organize the towns of Wau-wau-to-sa and Aztalan."

"Resolutions relative to the southern boundary and the admission of Wisconsin into the Union as a State."

"Memorial to Congress for appropriations for the improvement of the Fox, Wisconsin, and other rivers."

Mr. Street had leave to withdraw several accounts relating to printing.

Mr. Longstreet, from the committee on enrolment, reported that he did on this day present to the Governor, for his approval, "An act to amend an act entitled, 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the election of commissioners of public buildings, approved December 3d, 1836, and for other purposes,' approved March 8th, 1839."

The Speaker laid before the House a message from the Governor, informing the House that he had this day approved "An act to amend an act entitled, 'An act in addition to an act to establish the seat of government of the Territory of Wisconsin, and to provide for the election of commissioners of public buildings, approved December 3d, 1836, and for other purposes,' approved March 8th, 1839."

On motion of Mr. Street,

Ordered, That seats be prepared for the members of the Council in the Representives' Hall, preparatory to the election of commissioner of public buildings.

On motion of Mr. Sholes,

Resolved, That the chief clerk of this House be required to inform the Council, that seats had been prepared for its members in the Hall of this House, where their attendance is requested for the purpose of going into joint ballot for the election of a commismissioner of public buildings, the hour having arrived as provided by law for the election.

Mr. Bracken presented a communication from William B. Slaughter, Secretary of the Territory, in answer to a resolution of the two Houses, calling on him for certain information.

The communication was read and laid on the table.

On motion of Mr. Sholes,

Ordered, That a teller be appointed on the part of the House to act with such teller as may be appointed on the part of the Council, to canvass the votes of the two Houses for commissioner of public buildings.

The Speaker appointed Mr. Sholes teller on the part of the House.

CONVENTION OF THE TWO HOUSES.

The President and members of the Council having convened in the Representatives' Hall, the President stated the object of the Convention to be the election of a commissioner of public buildings, in pursuance of an act of the Legislative Assembly, and informed the Convention that Mr. Wells had been appointed the teller, on the part of the Council, to canvass the votes.

The Speaker informed the Convention that Mr. Sholes had been appointed the teller, on the part of the House of Representatives, for the same purpose.

A call of the names of the members of the Convention was then had, and it appeared that Messrs. Story and Brisbois were not in attendance.

The following nominations were then made :

Mr. Childs nominated Nathaniel C. Prentiss.

Mr. Longstreet nominated James L. Thayer.

Mr. Blackstone nominated Ezekiel Churchill.

On motion of Mr. Billings,

The Convention proceeded to the election.

The ballots having been taken and counted, the tellers reported that there were thirty-seven votes given, of which Nathaniel C. Prentiss had received twenty-one, Ezekiel Churchill nine, and James L. Thayer seven.

The President thereupon declared that Nathaniel C. Prentiss had been duly elected commissioner of public buildings.

On motion of Mr. Martin,

The Convention adjourned.

The House was then called to order by the Speaker.

On motion of Mr. Bracken,

Col. Slaughter had leave to withdraw the communication presented by him in answer to a resolution of this House.

And then the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock.

Mr. Sholes, the teller appointed on the part of this House, reported,

That Nathaniel C. Prentiss had been duly elected commissioner of public buildings, on joint ballot of the two Houses.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which was then signed by the Speaker, viz:

"An act to amend an act entitled, 'An act concerning the time of commencing actions.'"

On motion of Mr. Story,

The House went into committee of the whole, Mr. Sholes in the chair, on the following bills, (H. R. file,) viz:

No. 42, "A bill in relation to United States roads in this Territory."

No. 49, "A bill to regulate the mode of petitioning the Legislative Assembly."

No. 50, "A bill to change the name of the town of Mentor, in the county of Milwaukee."

No. 51, "A bill to provide for the compensation of the officers of the Legislative Assembly."

And on the following bill from the Council, viz:

No. 48, "A bill to authorize the county of Iowa to collect taxes due from the county of Dane, for the year 1838."

After some time the committee rose, reported the progress made therein, and asked leave to sit again.

Leave was granted.

Message from the Council by the secretary thereof:

"Mr. Speaker—The Council have concurred in the following bill and resolutions of this House, viz:

"No. 45, 'A bill concerning the duties of clerks of the boards of county commissioners.'

"No. 15, 'Joint resolution relating to the United States road leading from Racine to Sinipee.'

"No. 19, 'Resolution in addition to a resolution entitled, Resolution relating to the appointment of Samuel B. Knapp fiscal agent.'

"No. 17, 'Resolution concerning the settlement of the accounts of the late acting commissioner.'

"No. 16, 'Resolution relative to the expenses of the Adjutant-General's office.'

"No. 18, 'Resolution relating to the election of canal commissioners;' all with amendments, excepting resolution No. 15, in which amendments I am directed to request the concurrence of this House.

"They have also concurred in bill No. 52, of this House, 'A bill relative to the county officers of Sheboyagan county;' and have passed No. 12, 'Resolution authorizing the clerk of the supreme court of this Territory to keep his office in the capitol at Madison;' in which I am directed to request the concurrence of this House.

"The Governor has notified the Council that he has, on this day, examined and approved the following acts, memorials and resolution, viz:

"'An act to incorporate the Wisconsin lead mining, smelting and manufacturing company.'

"'An act for the relief of Joseph R. Brown.'

"'An act to provide for laying out and opening Territorial roads, and for other purposes.'

"'An act to establish the county of Sauk, and to define its limits.'

"'An act to amend an act to change the corporate limits and powers of the town of Milwaukee.'

"'An act to provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time of holding an extra session of the Legislative Assembly.'

"'Memorial to Congress for appropriations for Lake Michigan and Mississippi rail-road.'

"'Memorial to Congress for an appropriation for survey and construction of a rail-road from Platteville to the Mississippi.'

"'Resolution to locate the university lands."

And then he withdrew.

The amendments to the said resolutions and bill were then taken up and considered, when the amendments to resolutions Nos. 18 and 19, were severally concurred in; and the amendments to resolution No. 17, and bill No. 45, were non-concurred in.

On the question of agreeing to the amendment to resolution No. 17, the ayes and noes were called, and were as follows:

Ayes—Messrs. Billings, Brunson, Jenkins, McGregor, Street and Whiton, speaker—6.

Noes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Longstreet, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Story, Sutherland and Wells—20.

Mr. Longstreet, from the joint committee on enrolment, reported that the committee did on this day submit to the Governor, for his examination and approval, the following, viz:

"An act relating to strays."

"An act to provide for laying out a Territorial road from Fort Howard to Knaggs' ferry, in Brown county."

"An act to provide for the support of common schools, and for other purposes."

"An act to establish the towns of Pewaukee and Granville, in the county of Milwaukee."

"An act relating to the duties of the register of deeds of the county of Rock."

"Resolution relating to county seals."

Mr. Shackelford, from the committee on enrolment, reported to be correctly enrolled, "Resolution relating to the election of canal commissioners," which was signed by the Speaker.

On motion of Mr. Sholes,

Resolved, That the chief clerk of this House be directed to inform the Council that seats have been prepared for the members thereof, and to request their attendance in the Hall of Representatives', for the purpose of electing by joint ballot three canal commissioners, and supplying the vacancies in the board of visitors of the Wisconsin University, the time for said election, as provided by joint resolution, having arrived.

Resolved, further, That a teller be appointed, on the part of this House, who shall, in conjunction with the teller appointed by the Council, receive and canvass the votes given for said officers.

The Speaker appointed Mr. Shew.

Mr. Shackelford, from the committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"Joint resolution relating to the United States road leading from Racine to Sinipee."

"An act relative to the county officers of Sheboyagan county."

CONVENTION OF THE TWO HOUSES.

The President and members of the Council having convened in the Representatives' Halls, the President stated the object of the Convention to be to elect three canal commissioners, and to fill such vacancies as have occurred in the board of visitors of the University of Wisconsin.

On motion of Mr. Prentiss,

Ordered, That the Convention proceed to elect three canal commissioners, all to be voted for on one ticket, and to be designated on the ticket for what office the person is voted for, whether for receiver, register or acting commissioner.

The following nominations were then made.

Mr. Street nominated George H. Walker, for acting commissioner.

Mr. Bracken nominated John Hustes, for register.

Mr. Wells nominated Thomas J. Noyes, for register.

Mr. Longstreet nominated John H. Tweedy, for receiver.

The votes having been taken and counted, Messrs. Bullen and Shew, appointed tellers for that purpose, reported that George H. Walker had received thirty-three votes, for acting commissioner;

L. W. Weeks received for the same office, two votes; James L. Thayer received for the same office, one vote.

John H. Tweedy received for the office of receiver, thirty-two votes; and Rufus Parks received for the same office, four votes.

John Hustes received for the office of register, seventeen votes; Thomas J. Noyes received for the same office, thirteen votes; and Hans Crocker received for the same office, seven votes.

George H. Walker having received a majority of all the votes given for the office of acting commissioner, the President declared him to be duly elected acting commissioner of the Milwaukee and Rock river canal.

John H. Tweedy having received a majority of all the votes given for receiver, the President declared him to be duly elected receiver of the Milwaukee and Rock river canal.

No person having received a majority of the votes given for register, the President declared that no election had taken place for that office; whereupon,

On motion of Mr. Sholes,

The Convention proceeded to a second ballot for register.

The votes having been taken and counted, the tellers reported that John Hustes had received twenty votes, and that Thomas J. Noyes had received seventeen votes for said office.

John Hustes having received a majority of all the votes given, the President declared him to be duly elected register of the Milwaukee and Rock river canal.

On motion of Mr. Wells,

The Convention then proceeded to elect three visitors of the University of Wisconsin.

Mr. Arndt presented the following communication:

MADISON, January 11, 1840.

To the Honorable the Legislative Assembly of Wisconsin Territory:

GENTLEMEN—Three vacancies in the board of visitors of the University of Wisconsin have occurred, which vacancies by the law creating said university, devolves on you to fill.

The vacancies are—one occasioned by the death of William N. Gardner, Esq., late of Milwaukee; and two occasioned by removal from the Territory, viz: of John F. Schermerhorn and William W. Coriell.

(Signed) WM. B. SLAUGHTER,
JOHN CATLIN,
GEO. BEATTY,
CHARLES C. P. ARNDT,
D. BRIGHAM,
BYRON KILBOURN,
Visitors.

The following nominations were then made:

Mr. Prentiss nominated Rev. L. B. Hull.

Mr. Childs nominated Thomas W. Sutherland, Esq.

Mr. Billings nominated Rev. Benjamin Eaton.

Mr. Rountree nominated Rev. Alfred Brunson.

Mr. Longstreet nominated Rev. Jared F. Ostrander.

Mr. Brigham nominated Rev. Washington Philo.

Mr. Shackelford nominated Hon. Charles Bracken.

Mr. Bracken declined being a candidate.

The votes having been taken and counted, the tellers reported that Benjamin Eaton had received twenty-five votes; Thomas W. Sutherland twenty-three votes; L. B. Hull twenty-two votes; Alfred Brunson eleven votes; Jared F. Ostrander seven votes; Washington Philo four votes; Hon. M. L. Martin four votes; Dr. Armstrong two votes; and blank one vote.

Benjamin Eaton, Thomas W. Sutherland and L. B. Hull having each received a majority of all the votes given, the President declared them to be duly elected visitors of the University of Wisconsin.

The business before the Convention having now been completed,

On motion of Mr. Prentiss,

The Convention was declared to be dissolved.

The House then resumed its session, when

Mr. Shew, the teller on the part of the House, reported that the two Houses having met in Convention agreeably to the provisions of the several laws for that purpose, had duly elected George H. Walker, acting commissioner, John H. Tweedy, receiver, and John Hustes, register, of the Milwaukee and Rock river canal, for the ensuing year; and that they had, also, elected Benjamin Eaton, Thomas W. Sutherland and L. B. Hull, to fill the vacancies in the board of visitors of the University of Wisconsin.

Mr. Bracken, from the committee on claims, reported back to the House the report of William B. Slaughter, Secretary of the Territory, corrected.

On motion of Mr. Baldwin,

The House went again into committee of the whole, on bills Nos. 42, 49, 50 and 51, of this House, and on bill No. 48, of the Council, Mr. Sholes in the chair.

After some time the committee rose and, by their chairman, reported to the House the said bills Nos. 42, 48, 49 and 51 with, and No. 50 without, amendment.

Bill No. 50 was ordered to be engrossed and the third time.

Message from the Council by their secretary:

"Mr. Speaker—The Council have insisted on their amendment to No. 41, (H. R. file,) 'A bill to organize the county of Dodge.'"

And then he withdrew.

Mr. Shew moved to amend bill No. 51, by striking out the word "three," in the paragraph relating to the pay of John Sheely, for cutting wood, and inserting in lieu thereof the word "four," and, also, by striking out the words "twenty-nine," and inserting "seventy-two."

The and ayes noes were called on said question, and were as follows:

Ayes—Messrs. Brunson, Cruig, Cruson, Dewey, McGregor, Shackelford, Shew and Street—8.

Noes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Childs, Hoyt, Jenkins, Longstreet, Newman, Ray, Sholes, Stevens, Story, Sutherland, Wells and Whiton, speaker—17.

So the amendment was not agreed to.

Mr. Dewey moved to amend the same paragraph by striking out the name "Sheely," and inserting "Sheedy."

The amendment was agreed to.

The amendments of the committee to said bill were then concurred in, and the bill ordered to be engrossed and read the third time.

The amendments of the committee to bill No. 48, entitled, "A bill to authorize the county of Iowa to collect taxes due from the county of Dane, for the year 1838," were concurred in, when,

On motion of Mr. Sutherland,

Ordered, That said bill be indefinitely postponed.

The ayes and noes were called on said question, and were as follows:

Ayes—Messrs. Beardsley, Brunson, Childs, Craig, Cruson, Hoyt, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Sutherland, Wells and Whiton, speaker—15.

Noes—Messrs. Baldwin, Billings, Blackstone, Bracken, Dewey, Jenkins, Longstreet, McGregor, Story and Street—10.

The amendments to bills Nos. 42 and 40 were then concurred in, and the said bills were severally ordered to be engrossed and read the third time.

Mr. Shackelford, from the committee on enrolled bills, reported the following to be correctly enrolled, which was signed by the Speaker, viz:

"An act to provide for holding the district court within the county of Brown, and for other purposes."

On motion of Mr. Stevens,

The House then took a recess of one hour.

Half past 6 o'clock P. M.

The House resumed its session.

Mr. Longstreet, from the joint committee on enrolment, reported that the said committee had this day submitted to the Governor, for his examination and approval, "An act relative to the county officers of Sheboygan county."

Mr. Shackelford, from the committee on enrolled bills, reported to be correctly enrolled,

"An act in relation to mills and mill-dams."

Which was then signed by the Speaker.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz;

No. 42, "A bill in relation to United States roads in this Territory."

No. 49, "A bill to regulate the mode of petitioning the Legislative Assembly."

No. 50, "A bill to change the name of the town of Mentor, in the county of Milwaukee."

On motion of Mr. Dewey,

The said bills were severally read a third time, passed and the titles thereof agreed to.

Ordered, That the concurrence of the Council be requested in the said bills.

On motion of Mr. Billings,

The House went into committee of the whole, Mr. Wells in the chair, on a memorial, resolution and bills from the Council, entitled as follows, viz:

No. 9, "Memorial to Congress for appropriations of lands for manual labor colleges."

No. 43, A, "An act to incorporate the Blue Mounds mining, smelting and manufacturing company."

No. 52, "A bill concerning actions relating to real property."

No. 12, "Resolution authorizing the clerk of the supreme court of the Territory to keep his office in the Capitol at Madison."

And on a resolution of this House, entitled,

No. 20, "Resolution relative to printing of the laws in the newspapers."

The Secretary of the Council being announced, the Speaker took the chair, when the following message was received:

"Mr. Speaker—The Council have concurred in the amendment of this House, to their amendment to bill No. 46 (of this House) entitled, 'A bill to change the time of holding courts in the second judicial district;' in the amendment of this House to bill No. 37, entitled, 'A bill for the relief of insolvent debtors;' in the amendment of this House to bill No. 26, entitled, 'A bill to amend an act entitled An act to prescribe the mode of proceeding in chancery;' and have insisted on their amendments to bill No. 41 of this House, entitled, 'A bill to organize the county of Dodge.'

"Messrs. Wells and Sterling have been appointed a committee of conference, on the part of the Council, on the disagreeing vote of the two Houses, on bill No. 9, entitled, 'A bill to amend an act entitled An act to restrain unauthorized banking, and for other purposes.'"

And then he withdrew.

The committee then resumed its session, and after some time rose and, by their chairman, reported to the House resolution No. 12, and bill No. 52 with, and memorial No. 9, resolution No. 20, and bill No. 43, A, without amendments.

Memorial No. 9 was ordered to be read the third time by its title now.

The said memorial was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be informed thereof.

Resolution No. 12 was ordered to its third reading.

The amendments to resolution No. 20, were agreed to, and the resolution was ordered to be engrossed and read the third time.

The House concurred in the amendment of the committee to bill No. 52; and the bill was ordered to be read the third time by its title now.

The said bill was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendmendments to said bill.

Mr. Jenkins offered the following amendment to bill No. 43, A, viz:

Strike out the word "fifty," in the fifth line of the first section, and insert in lieu thereof, the word "twenty."

The amendment was disagreed to.

Mr. Sholes offered the following amendment:

Strike out all after the word "whenever" in the third line of the 7th section, and insert "in the opinion of the Legislative Assembly."

The amendment was adopted.

Mr. Jenkins moved to amend the said bill by striking out the word "Iowa," in the fifteenth line of the second section.

The ayes and noes were called on the question of adopting said amendment, and were as follows:

Ayes—Messrs. Baldwin, Billings, Brunson, Conroe, Jenkins, Story and Wells—7.

Noes—Messrs. Beardsley, Blackstone, Bracken, Childs, Craig, Cruson, Dewey, Hoyt, Longstreet, McGregor, Newman, Ray, Shackelford, Shew, Sholes, Stevens, Sutherland and Whiton, speaker—18.

So the amendment was not adopted.

Mr. Jenkins offered the following amendment:

Insert after the word "company," in the seventh line of the third section, the words "a citizen of the Territory of Wisconsin."

The amendment was not adopted.

Mr. Shackelford moved the previous question, which was ordered, and was then put in these words:

"Shall the main question be now put?"

And was decided in the affirmative.

The main question was then put, as follows, viz: "Shall the bill be engrossed and read a third time?" and the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Hoyt, Longstreet, McGregor, Newman, Ray, Stevens, Sutherland, Wells and Whiton, speaker—17.

Noes—Messrs. Billings, Cruson, Dewey, Jenkins, Shackelford, Shew, Sholes and Story—8.

So the said bill was ordered to its third reading.

Mr. Dewey, from the committee on engrossed bills, reported No. 51, "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," to be correctly engrossed.

On motion,

The said bill, No. 51, was ordered to be read the third time by its title.

The said bill was then read the third time, passed and the title thereof agreed to.

Ordered, That the concurrence of the Council be requested therein.

Mr. Childs moved that bill No. 43, A, be read a third time by its title now.

The ayes and noes being called on said question, were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Craig, Hoyt, Longstreet, Newman, Ray, Sutherland, Wells and Whiton, speaker—13.

Noes—Messrs. Billings, Brunson, Conroe, Cruson, Dewey, Jenkins, McGregor, Shackelford, Shew, Sholes, Stevens, Story and Street—13.

So the motion was lost.

Mr. Story, from the committee on expenses, reported back to the House the accounts of John P. Rogers, and Thomas Watson & Son, which the committee had not allowed.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"Resolution in addition to a resolution entitled, 'Resolution relating to the appointment of Samuel B. Knapp fiscal agent.'"

"An act relative to the expenses of the Adjutant-General's office."

"An act to amend 'An act to prescribe the mode of proceedings in chancery and for other purposes.'"

"An act to change the time of holding courts in the second judicial district."

"An act for the relief of insolvent debtors."

The House then took up and considered bill No. 41, "A bill to organize the county of Dodge," in which the Council insisted on their amendment.

And the question being put, "Will the House recede from their non-concurrence in said amendment?"

It was decided in the negative.

Mr. Sutherland moved that a committee of conference be appointed on the disagreeing vote of the two houses on said bill.

The motion was agreed to.

The Speaker appointed Messrs. Sutherland and Childs, of said committee on the part of this House.

Ordered, That the clerk inform the Council thereof, and request a similar committee to be appointed on their part.

Mr. Childs, from the committee on engrossed bills, reported No. 20, "Resolution relative to the publication of the laws in the newspapers," to be correctly engrossed.

The said resolution, and resolution No. 12, (Council file,) entitled, "Resolution authorizing the clerk of the supreme court of this Territory to keep his office in the Capitol at Madison," were severally read a third time, passed, and the titles thereof agreed to; all rules prohibiting the same, being suspended for that purpose.

Ordered, That the Council be informed thereof.

Mr. Shackelford moved a reconsideration of the vote taken on to day, by which bill No. 48, (Council file,) entitled, "A bill to authorize the county of Iowa to collect taxes due from the county of Dane for the year 1838," was indefinitely postponed.

The ayes and noes being called for on said question, were taken and were as follows:

Ayes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Hoyt, Jenkins, Longstreet, Newman, Shackelford, Shew, Sholes, Story and Street—17.

Noes—Messrs. Beardsley, Conroe, McGregor, Ray, Stevens, Sutherland, Wells and Whiton, speaker—8.

So the said vote was reconsidered.

The question then recurred on ordering said bill to its third reading, and the ayes and noes being called, were as follows:

Ayes—Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, Newman, Shackelford, Story and Street—16.

Noes—Messrs. Beardsley, Conroe, McGregor, Ray, Shew, Stevens, Sutherland, Wells and Whiton, speaker—9.

So the said bill was ordered to its third reading, and was then read the third time, and the question being put, "Shall this bill pass?"

It was decided in the affirmative, ayes 15, noes 9.

Those voting in the affirmative were, Messrs. Baldwin, Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Dewey, Hoyt, Jenkins, Longstreet, Shackelford, Story and Street—15.

Those voting in the negative were, Messrs. Beardsley, McGregor, Newman, Ray, Shew, Stevens, Sutherland, Wells and Whiton, speaker—9.

No. 43, A, "A bill to incorporate the Blue Mounds mining, smelting and manufacturing company," was then taken up, and the question being on ordering the same to its third reading,

On motion of Mr. Dewey,

A call of the House was had, and the serjeant-at-arms was sent after absent members.

After a short time the serjeant-at-arms reported the absent members in attendance.

The question was then taken on ordering the said bill to its third reading, and was decided in the affirmative.

The said bill was then read a third time, and the question being put, "Shall this bill pass?" the ayes and noes were called, and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Blackstone, Bracken, Childs, Craig, Hoyt, Longstreet, Newman, Ray, Sutherland, Wells and Whiton, speaker—13.

Noes—Messrs. Billings, Brunson, Conroe, Cruson, Dewey, Jenkins, McGregor, Shackelford, Shew, Sholes, Stevens, Story and Street—13.

So the House being equally divided the bill was lost.

Ordered, That the Council be informed thereof, and of the concurrence of this House in bill No. 48.

Mr. Billings moved that the House go into the committee of the whole on bill No. 43, (Council file,) entitled, "A bill supplementary to an act for assessing and collecting county revenue."

Mr. Dewey moved that said bill be indefinitely postponed.

Which was decided in the affirmative.

Bill No. 27, (Council file,) was then taken up and considered, entitled, "A bill limiting the term of office of all officers not now limited by law;" and the question being on its final passage was then put,

And was decided in the affirmative.

Ordered, That the Council be informed thereof, and that bill No. 43 has been negatived by this House.

The House then took a recess of half an hour.

Half past nine o'clock.

The House resumed its session, when the following message was received from the Council:

"Mr. Speaker—The Council have passed the following:

"No. 3, 'Memorial to Congress concerning pre-emption rights to miners.'

"No. 5, 'Memorial to Congress relative to duties on imported lead.'

"No. 6, 'Memorial to Congress to extend the jurisdiction of justices of the peace.'"

And then he withdrew.

On motion,

A call of the House was had, and the serjeant-at-arms sent after absent members.

After a short time the serjeant-at-arms returned and reported all in attendance, except Messrs. Beardsley and Longstreet.

Mr. Shackelford offered the following resolution, which was adopted :

Resolved, That the chief clerk of this House call upon the Council and request them to transmit to this House the memorial, and all communications of Messrs. Collier & Pettus, addressed to the Legislature upon the fiscal agency of Moses M. Strong.

On motion of Mr. Baldwin,

The House again took a recess of half an hour.

Half past ten o'clock.

The House resumed its session.

On motion of Mr. Sholes,

Bill No. 6, (Council file,) entitled, "A bill to authorize the building a bridge across the Fox river, in the county of Brown," was taken up, and ordered to be read the third time by its title now.

The said bill was then read the third time, and on the question "Shall this bill pass?" the ayes and noes were called, and were as follows :

Ayes—Messrs. Baldwin, Beardsley, Billings, Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Hoyt, Longstreet, Newman, Ray, Shew, Sholes, Stevens, Story, Sutherland and Whiton, speaker—20.

Noes—Messrs. Dewey, Jenkins, McGregor, Shackelford and Street—5.

So the said bill was passed, and the title thereof was then agreed to.

Ordered, That the Council be informed thereof.

Message from the Council by their secretary :

"Mr. Speaker—The Council have concurred in bills, and a resolution of this House, as follows, viz :

"No. 47, 'A bill to amend an act entitled, An act to provide for assessing and collecting county revenue.'

"No. 50, 'A bill to change the name of the town of Mentor, in the county of Milwaukee.'

"No. 51, 'A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes;' and,

"No. 14, 'Joint resolution relating to the printing of the laws passed at the present session of the Legislative Assembly," with amendments to bills Nos. 47 and 51, in which amendments the concurrence of this House is requested.

"And have concurred in the amendment of this House to bill No. 41, entitled, 'A bill to provide for laying out and opening Territorial roads, and for other purposes.'

"Have negatived bills of the following titles, viz:

"No. 42, 'A bill in relation to United States roads in this Territory;' and,

"No. 49, 'A bill to regulate the mode of petitioning the Legislative Assembly.'

"And have receded from their amendments to bill No. 41, 'A bill to organize the county of Dodge.'"

And then he withdrew.

Mr. Sutherland, from the committee appointed for the purpose, made the following report:

The joint committee, appointed on the disagreeing vote of the two houses, in relation to bill No. 41, entitled, "A bill to organize the county of Dodge," have had the subject referred to them under consideration, and would respectfully report, that the committee on the part of the Council have agreed to recommend to that body to recede from their amendment, made to the bill in the Council.

The report of the committee was accepted, and the committee discharged.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"An act limiting the term of office of all officers not now limited by law."

"Memorial to Congress for appropriations of lands for manual labor colleges."

"Resolution authorizing the clerk of the supreme court of this Territory to keep his office in the Capitol at Madison."

"A memorial to Congress to extend the jurisdiction of justices of the peace."

"An act to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

"An act to authorize the county of Iowa to collect taxes due from the county of Dane for the year 1838."

"Joint resolution relative to the printing of the laws passed at the present session of the Legislative Assembly."

"An act to change the name of the town of Mentor, in the county of Milwaukee." And,

"Memorial to Congress relating to duties on imported lead."

Mr. Longstreet, from the committee on enrolment, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"An act to organize the county of Dodge, and for other purposes." And,

"Memorial to Congress concerning pre-emption rights to miners."

Bill No. 51, "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," returned from the Council with amendments, was taken up and considered, when,

The House refused to concur in the 1st, 2d and 5th of the amendments made by the Council, and concurred in the 3d, 4th, 6th and 7th amendments.

Mr. Billings offered to amend the 8th amendment of the Council, by inserting in lieu of the words stricken out, as follows:

"To William B. Slaughter, for necessary expenses in paying twenty thousand dollars to the Bank of Missouri, the sum of four hundred and fifty dollars."

"To Moses M. Strong, for necessary expenses in paying thirteen thousand three hundred dollars to Collier & Pettus."

Mr. Sholes called for a division of the question.

Mr. Shackelford moved the previous question, which was put in these words, viz: "Shall the main question be now put?"

The ayes and noes being called on said question, were taken and were as follows:

Ayes—Messrs. Baldwin, Beardsley, Billings. Blackstone, Bracken, Brunson, Childs, Conroe, Craig, Cruson, Dewey, Hoyt, Jenkins, Longstreet, McGregor, Newman, Ray, Shackelford, Sholes, Stevens, Story and Sutherland—22.

Noes—Messrs. Wells and Whiton, speaker—2.

So the main question was ordered, and was then put in these words, viz: "Will the House concur in the amendment of the Council?"

And was decided in the negative.

Mr. Billings moved to amend the 9th amendment, by striking out the words "thirty-eight," in the first paragraph, and inserting in lieu thereof the word, "forty-three," and, also, by striking out the words "one hundred and fourteen," and inserting the words "one hundred and twenty-nine."

The motion was not agreed to.

Mr. Billings moved to amend the 9th amendment by striking out the words "three dollars per day," in the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th paragraphs, and inserting in lieu these words, "four dollars per day."

The amendment to the amendments was agreed to.

Mr. Sholes moved to amend the 9th amendment, by inserting at the close of the 14th paragraph the following:

"To John Catlin, for preparing the Journal of the House of Representatives of the present session for publication, the sum of one hundred and twenty-five dollars."

"To David Brigham for preparing the laws of the present session for publication, the sum of two hundred dollars."

The amendment to the amendment was adopted.

On motion of Mr. Shew,

Ordered, That the said bill be laid on the table.

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed resolution No. 13, entitled, 'Resolution suspending 14th and 15th joint resolutions.'

"Have negatived resolution No. 20, entitled, 'Resolution relating to printing of the laws in the newspapers;' have concurred in the amendment to the amendment of this House to bill No. 52, entitled, 'A bill concerning actions relating to real property;' and have receded from their amendment to bill No. 45 of this House, entitled, 'A bill concerning the duties of clerks of the board of county commissioners;' and have adhered to their amendments to resolution No. 17, 'Resolution concerning the settlement of the accounts of the late acting commissioner.'

"I have been directed to present the enclosed memorials of Collier & Pettus, and Moses M. Strong, in relation to the loan obtained from the former last winter by the latter as fiscal agent of the Legislative Assembly."

And then he withdrew.

The House then took up resolution No. 13, entitled, "Resolution suspending the 14th and 15th joint rules," which was then read the first, second and third time, passed, and the title thereof agreed to; all rules prohibiting the same, being suspended for that purpose.

Ordered, That the Council be informed thereof.

On motion of Mr. Street,

Ordered, That a select committee of three be appointed to examine the accounts of Moses M. Strong, and the memorial of Collier & Pettus, in relation to the fiscal agency of said Strong, and report the result of their investigation to this House.

Messrs. Street, Wells and Dewey were appointed said committee.

On motion of Mr. Shackelford,

Ordered, That the clerk prepare a list of all acts, resolutions and memorials, which have originated in this House during the present session, and which have been approved by the Executive.

On motion of Mr. Billings,

The House adjourned until 9 o'clock A. M. on Monday next.

MONDAY, January 13th, 1840.

On motion of Mr. Sholes,

A call of the House was made, and the serjeant-at-arms sent after absent members.

The serjeant-at-arms returned after a short time and reported that Messrs. Hoyt, Newman, Shew, Stevens and Sutherland could not be found at their lodgings, and that it was reported that they had left town.

The Speaker laid before the House a list of the acts, memorials and resolutions originating in the House of Representatives, and which have been approved by the Governor, prepared by the clerk in obedience to the order of the House, which are as follows:

"An act to establish a Territorial road from Madison to Frankfort in Dodge county."

Approved December 21, 1839.

"An act to repeal an act entitled, 'An act to change the corporate limits and powers of the town of Green Bay.'"

"An act to provide for recording contracts relating to lands, and for other purposes."

"An act to authorize William H. Bruce, and others, to build and maintain a dam on the Manitouwoc river."

"An act to prevent trespass and other injuries being done to the possessions of settlers on public lands, and to define the right of possession on said lands."

"An act relating to the fiscal agency of Moses M. Strong."

Approved January 4, 1840.

"An act to organize the county of St. Croix."

"An act to amend an act of the Revised Statutes of 1839, entitled, 'An act concerning the supreme and district courts."

Approved January 9, 1840.

"An act to amend an act entitled, 'An act in addition to An act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings,' approved December 3d, 1836, and for other purposes, approved March 8th, 1839."

"An act to amend 'An act to provide for aiding in the construction of the Milwaukee and Rock river canal.'"

Approved January 11, 1840.

"Resolution in relation the half-breed lands on Lake Pepin."

"Resolution relative to the extension of the military reserve of Fort Snelling, to the east side of the Mississippi river."

Approved December 16, 1839.

"Resolution relative to the distribution of the local laws."

Approved December 21, 1839.

"Resolution relating to the appointment of Samuel B. Knapp, fiscal agent."

Approved January 1, 1840.

"A memorial to Congress relative to confirming the titles of lots one, two and three of section thirty-two, town seven, range twenty-two east."

Approved December 30, 1839.

"Memorial of the Legislative Assembly, in behalf of the settlers on the even sections reserved to the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal."

Approved December 28, 1839.

Mr. Shackelford, from the joint committee on enrolment, reported the following bill to be correctly enrolled, which was signed by the Speaker, viz:

"An act to authorize the building a bridge across the Fox river, in the county of Brown."

On motion of Mr. Wells,

Ordered, That the clerk be instructed to enter upon the journal the names of the members absent without leave, as reported by the serjeant-at-arms.

Messrs. Hoyt, Newman, Shew, Stevens, and Sutherland, were reported to have left town and were not in their seats.

Mr. Street, from the select committee to whom the memorial of Messrs. Collier & Pettus of St. Louis, with the accompanying documents were referred, submitted a report which was read.

(See Appendix, document P.)

On motion of Mr. Shackelford,

The memorial of Messrs. Collier & Pettus relating to the subject embraced in the said report was read, together with other papers referred to the committee.

On motion of Mr. Shew,

The report was accepted and the committee discharged.

A motion was made by Mr. Shackelford that the said report b printed, and the ayes and noes were called for and were as follows:

Ayes—Messrs. Beardsley, Blackstone, Bracken, Brunso Childs, Conroe, Craig, McGregor, Ray and Shackelford—10.

Noes—Messrs. Baldwin, Billings, Cruson, Dewey, Jenkin Longstreet, Sholes, Story, Street, Wells and Whiton, speaker—11.

Message from the Council by their secretary:

"Mr. Speaker—The Council have receded from their amendment to bill No. 35, of this House, entitled, 'A bill to amend a act of the Statutes of the Territory of Wisconsin, entitled, A act concerning costs and fees.'"

"The Governor has informed the Council that he has, on th day, examined and approved the following:

"'An act to organize the towns of Wau-wau-to-sa and Aztlan.'

"'An act to provide for holding the district court within th county of Brown, and for other purposes.'

"'An act to incorporate and regulate public libraries.'

"'An act limiting the term of office of all officers not now limited by law.'

"'An act to provide for laying out and establishing Territorial roads therein named.'

"'An act entitled An act to prescribe the mode of proceedings in chancery, and for other purposes.'

"'An act to amend an act, entitled, An act concerning the time of commencing actions.'

"'An act for the relief of insolvent debtors.'

"'An act to amend an act, entitled, An act to amend an act to incorporate the Portage canal company.

"'Memorial to Congress for appropriations of lands for manual labor colleges.'

"'Memorial to Congress for appropriations for the improvement of the Fox, Wisconsin, and other rivers.'

"'Resolution authorizing the clerk of the supreme court of this Territory to keep his office in the Capitol at Madison.'

"'Resolution relating to the southern boundary, and the admission of Wisconsin into the Union as a State.'"

And then he withdrew.

The Speaker laid before the House a message from the Governor returning the following acts, &c. with his approval, viz:

"An act in relation to mills and mill-dams."

"An act to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

"An act to change the time of holding courts in the second judicial district."

"An act in relation to collectors, assessors and supervisors of roads."

"An act relative to the expenses of the Adjutant-General's office."

"An act relating to the duties of the register of deeds of the county of Rock."

"An act to establish the towns of Pewaukee and Granville in the county of Milwaukee."

"An act to provide for the support of common schools, and for other purposes."

"An act to provide for laying out a Territorial road from Fort Howard to Knaggs' Ferry, in Brown county."

"An act relating to strays."

"An act relative to the county officers of Sheboygan county."

"A memorial to Congress to extend the jurisdiction of justices of the peace."

"Resolution in addition to a resolution, entitled, 'Resolution relating to the appointment of Samuel B. Knapp fiscal agent." And,

"Resolution relating to county seals."

Mr. Wells, from the judiciary committee, reported a bill which was read the first and second time, of the following title, to wit:

No. 53, "A bill in relation to suits in the Territory, and for other purposes."

On motion of Mr. Sholes,

The said bill was considered as in committee of the whole, and was, by the special order of the House, read the third time, passed and the title amended to read, "A bill in relation to suits in the Territory;" the rules having been suspended for that purpose.

Ordered, That the clerk request the Council to concur in the said bill.

Mr. Shackelford, from the joint committee on enrolment, reported the undermentioned bills to be correctly enrolled, wh.. were signed by the Speaker, viz:

"An act concerning actions relating to real property."

"An act to amend an act of the Statutes of the Territory of Wisconsin, entitled, 'An act concerning costs and fees.'"

On motion of Mr. Story,

Bill No. 51, "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," was taken up and considered as in committee of the whole, and the 11th amendment, being an addition to the bill, was concurred in, with amendments.

Resolution No. 17, entitled, "Resolution relative to the settlement of the accounts of the late acting commissioner," was taken up and considered; and their non-concurrence in the amendments of the Council was receded from, and the amendments concurred in.

Bill No. 47, entitled, "A bill to amend an act to provide for assessing and collecting county revenue," returned from the

Council with amendments, was considered and the amendments concurred in.

Ordered, That the Council be requested to concur in the amendments to the amendments to bill No. 51, and be informed of the concurrence of the House in the amendments to bill No. 47, and resolution No. 17.

On motion of Mr. Billings,

The House took a recess until 11 o'clock A. M.

Eleven o'clock A. M.

Mr. Shackelford, from the joint committee on enrolment, reported the following to be correctly enrolled, which were signed by the Speaker, viz:

"Resolution concerning the settlement of the accounts of the late acting commissioner."

"An act to amend an act, entitled, 'An act to provide for assessing and collecting county revenue.'"

Mr. Shackelford, from the same committee, reported that he had submitted to-day to the Governor for his approval, the following bills, viz:

"An act to authorize the building a bridge across the Fox river, in the county of Brown."

"An act to amend an act of the Statutes of Wisconsin, entitled, 'An act concerning costs and fees."

"An act concerning actions relating to real property."

"An act to authorize the county of Iowa to collect taxes due from the county of Dane for the year 1838."

"An act to change the name of the town of Mentor, in the county of Milwaukee."

"Memorial to Congress concerning pre-emption rights to miners."

"Memorial to Congress relative to duties on imported lead."

"An act to organize the county of Dodge, and for other purposes."

"Joint resolution relative to the printing of the laws passed at the present session of the Legislative Assembly."

A message was received from the Governor, informing the

House that he had, on this day, approved of the following, viz:

"An act to organize the county of Dodge, and for other purposes."

"Joint resolution relative to the printing of the laws passed at the present session of the Legislative Assembly."

"Memorial to Congress relative to duties on imported lead."

"Memorial to Congress concerning pre-emption rights to miners."

"An act to change the name of the town of Mentor, in the county of Milwaukee."

Message from the Council by their secretary:

"Mr. Speaker—The Council have passed bill No. 54, entitled, 'A bill requiring Samuel B. Knapp to pay certain moneys, and for other purposes,' in which I am directed to request the concurrence of this House."

And then he withdrew.

The said bill, No. 54, was read the first and second time, and considered in committee of the whole, Mr. Billings in the chair.

After some time the committee rose, and reported the same to the House without amendment.

On motion of Mr. Shackelford,

The said bill was laid on the table for the present.

Mr. Jenkins obtained leave to introduce the following joint resolution, viz:

No. 21, "Joint resolution tendering thanks to the Hon. E. V. Whiton."

The Speaker called Mr. Childs to the chair, when the said resolution, by the special order of the House, was read the first, second and third time, passed, and the title agreed to; all rules having been suspended for that purpose.

Ordered, That the Council be requested to concur therein.

The Speaker resumed the chair, when,

On motion of Mr. Dewey,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock.

A quorum of the members not being present, a call of the House was made and the serjeant-at-arms ordered to procure the attendance of absent members.

The serjeant-at-arms having reported the attendance of all the members, except Messrs. Hoyt, Newman, Shew, Stevens and Sutherland who had left town, the House took up and considered bill No. 54, from the Council, entitled,

"A bill requiring Samuel B. Knapp to pay certain moneys, and for other purposes."

Mr. Sholes offered the following amendment, which was adopted:

Add to the bill the following section,

"SEC. 2. That if Moses M. Strong, late fiscal agent, shall neglect or refuse to pay the Secretary of the Territory, the amount of money due from him to the Territory, for the space of two months, from and after the passage of this act, the said Secretary shall report the delinquency to the Attorney-General of Wisconsin, who shall thereupon commence suit in the name of the Territory for the recovery of the sum due and unpaid."

On motion of Mr. Conroe,

Ordered, That the said bill be read the third time by its title now.

The said bill was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendment to said bill.

The following message was received from the Council by their secretary, viz:

"Mr. Speaker—The Council have concurred in the amendments of this House to the 11th amendment of the Council to bill No. 51, entitled, 'A bill to provide for the compensation of the officers of the Legislative Assembly,' except the following—to strike out 'two,' in the compensation to Col. Slaughter for office rent, &c. and insert 'five,' to which the Council haved disagreed; have amended the 11th amendment of this House, in the 32d paragraph; and have *adhered* to their 8th amendment."

And then he withdrew.

The House then took up and considered bill No. 51, contained in the foregoing message.

The House insisted on their disagreement in the 11th amendment to the paragraph which provides a compensation for office rent, fuel, &c., to William B. Slaughter, and Messrs. Sholes and Childs were appointed a committee of conference thereon.

The amendment of the Council to the amendment of the House in the 32d paragraph of the 11th amendment was concurred in.

The House, also, insisted on their disagreement to the 8th amendment of the Council to said bill.

Mr. Shackelford moved that a committee of conference be appointed on the disagreement of the two Houses to the 8th amendment.

The Speaker decided the motion not in order.

Mr. Shackelford appealed from the decision of the chair.

The question was then stated to be, "Shall the decision of the chair stand as the judgment of this House?"

When Mr. Shackelford withdrew his appeal.

The House then, on motion of Mr. Dewey, reconsidered its vote insisting on their disagreement to the 8th amendment.

Message from the Council by their secretary:

"Mr. Speaker—The Council have concurred in joint resolution No. 21, entitled, "Joint Resolution tendering thanks to the Hon. E. V. Whiton;' and in the amendment of this House to bill No. 54, entitled, 'A bill requiring Samuel B. Knapp to pay certain moneys, and for other purposes;' and have indefinitely postponed No. 53, 'A bill in relation to suits in favor of the Territory.'"

And then he withdrew.

A motion was then made by Mr. Sholes that the House do recede from their non-concurrence in the 8th amendment of the Council, and the ayes and noes being called for, were as follows:

Ayes—Messrs. Blackstone, Bracken, Conroe, Craig, Cruson, Dewey, Longstreet, Ray, Sholes, Street and Whiton, speaker—11.

Noes—Messrs. Baldwin, Beardsley, Childs, Jenkins, McGregor, Shackelford and Story—7.

So the House receded from their non-concurrence in the 8th amendment.

Ordered, That the clerk request a conference on the disagreement of the two Houses to the paragraph in the 11th amendment of said bill, which provides a compensation to William B. Slaughter, for office rent, &c., and inform the Council of the concurrence of the House in the 8th amendment, and in the 32d paragraph of the 11th amendment to said bill.

Mr. Story, from the committee on expenses, reported bill No. 54, entitled, "A bill for the relief William B. Slaughter."

Which was read the first and second time.

The said bill was then, by the special order of the House, read the third time, passed, and the title thereof agreed to; the rules prohibiting it to be so read, having been suspended for that purpose.

Ordered, That the clerk request the Council to concur in said bill.

Mr. Shackelford, from the joint committee on enrolment, reported the following to be correctly enrolled, which was signed by the Speaker, viz:

"An act requiring Samuel B. Knapp to pay certain moneys, and for other purposes."

On motion of Mr. Wells,

Ordered, That the clerk be directed to return the memorial of Messrs. Collier & Pettus, and the accompanying documents, to the Council.

Mr. Longstreet, from the joint committee on enrolment, reported that he had, on to-day, presented the following bill and resolution to the Governor for his approval, viz:

"An act to amend 'An act to provide for assessing and collecting county revenue.'"

"Resolution concerning the settlement of the accounts of the late acting commissioner."

Message from the Council by their secretary:

"Mr. Speaker—The Council have reconsidered the vote to postpone indefinitely bill No. 53, of this House, and have passed the same with an amendment, in which amendment the concurrence of this House is requested.

"The Council have, also, reconsidered the vote on agreeing to the paragraph contained in the bill No. 51, of this House, allowing compensation to Moses M. Strong, for paying certain moneys to Collier & Pettus, of St. Louis, and have non-concurred in the same."

And then he withdrew.

Bill No. 53, entitled, "A bill in relation to suits in the Territory," was taken up and considered, and the amendments of the Council were concurred in.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Bracken,

A call of the House was had and the serjeant-at-arms sent after absent members.

Message from the Council by their secretary:

"Mr. Speaker—Messrs. Wells and Vineyard have been appointed the committee of conference, on the part of the Council, to confer with Messrs. Sholes and Childs, of this House, in relation to the disagreeing vote to the paragraph which provides compensation to William B. Slaughter, for office rent, fuel, &c."

And then he withdrew.

Mr. Longstreet, from the committee on enrolment, reported "An act in relation to suits in favor of the Territory," to be correctly enrolled, which was signed by the Speaker.

Mr. Sholes, from the committee of conference, to which the subject was referred, made the following report:

The committee of conference, appointed on the part of the House, to confer with a similar committee on the part of the Council, in relation to the disagreeing vote of the two Houses, on bill No. 51, entitled, "A bill to provide for the compensation of the officers of the Legislative assembly," beg leave to report—

That the committee on the part of the Council have agreed to recommend to that body to concur in the amendment of the House made to the appropriation to Josiah A. Noonan, and the committee on the part of the House would recommend that the House of Representatives recede from their amendment to the appropriation to William B. Slaughter, for office rent, &c.

The report was adopted and the committee discharged.

Message from the Council by their secretary:

"Mr. Speaker—The Council have adopted the report of the joint committee of conference, in relation to the disagreeing vote of the two Houses, on bill No. 51, entitled, 'A bill to provide for the compensation of the officers of the Legislative Assembly,' to the paragraph providing a compensation to W. B. Slaughter, for office rent, fuel, &c."

And then he withdrew.

Bill No. 51, entitled, "A bill to provide for the compensation of the officers of the Legislative Assembly," was taken up and considered.

The House insisted on their amendment to said bill to the paragraph which provided a compensation to Moses M. Strong, and appointed Messrs. Story and Billings a committee of conference thereon.

Ordered, That the Council be acquainted therewith.

Message from the Council by their secretary:

"Mr. Speaker—Messrs. Vineyard and Maxwell have been appointed the committee of conference, on the part of the Council, in relation to the disagreeing vote of the two Houses on bill No. 51 of this House."

And then he withdrew.

Mr. Story, from the committee of conference, to whom the subject was referred, made the following report:

The committee of conference, appointed on the part of the House to confer with a similar committee on the part of the Council, in relation to the disagreeing vote of the two Houses on bill No. 51, entitled, "A bill to provide for the compensation of the officers of the Legislative Assembly," beg leave to report:

That the committee on the part of the Council, have agreed to recommend to that body to concur in the amendment of the House, making an appropriation to Moses M. Strong for services as fiscal agent, with the following amendment, to wit: To Wm. B. Slaughter, for necessary expenses in paying $20,000 to the Bank of Missouri, four hundred dollars.

On motion of Mr. Sholes,

The said report was adopted and the committee discharged.

Ordered, That the clerk inform the Council thereof.

Message from the Council by their secretary:

"Mr. Speaker—The Council have adopted the joint report of the committee of conference on the disagreeing vote of the two Houses to the paragraph in bill No. 51, entitled, 'A bill to provide a compensation to the officers of the Legislative Assembly,' which provides a compensation to Moses M. Strong."

And then he withdrew.

On motion of Mr. Dewey,

The House took a recess until 7 o'clock P. M.

Seven o'clock P. M.

Mr. Shackelford, from the committee on enrolment, reported the following to be correctly enrolled, which was signed by the Speaker, viz:

"An act concerning the duties of the clerks of the boards of county commissioners."

The Speaker laid before the House a message from the Governor notifying the House that he had on this day examined and approved the following, viz:

"An act to amend an act of the Statutes of the Territory of Wisconsin, entitled, 'An act concerning costs and fees.'"

"An act to amend an act, entitled, 'An act to provide for assessing and collecting county revenue.'"

"Resolution concerning the settlement of the accounts of the late acting commissioner."

The following message was received from the Council by their secretary:

"Mr. Speaker—The Council have appointed Messrs. Vineyard and Martin a committee on their part, to act in conjunction with a similar committee to be appointed by this House, to wait upon His Excellency the Governor, and to ask him if he has any further business to lay before the Legislative Assembly."

And then he withdrew.

On motion of Mr. Sholes,

Ordered, That a committee of two be appointed on the part of this House, to act in conjunction with the committee appointed on the part of the Council, to wait upon His Excellancy the Governor, and to ask him if he has any further business to lay before the *Legislative Assembly at its present session.*

The Speaker appointed Messrs. Sholes and Dewey the said committee on the part of this House.

Mr. Longstreet, from the joint committee on enrolment, reported that the following bills were presented to the Governor, for his approval, on this day, viz:

"An act to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

"An act concerning the duties of clerks of the boards of county commissioners."

A message was received from the Governor notifying the House that he had, on this day, examined and approved the following, viz:

"An act concerning the duties of clerks of the boards of county commissioners." And,

"An act to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

Mr. Sholes, from the committee appointed to wait upon His Excellency the Governor, &c., reported that the committee had performed the duty assigned to them, and His Excellency informed them that he had no further business to lay before the two Houses.

On motion of Mr. Street,

Ordered, That a committee of two be appointed to inform the Council that this House has no further business before it, and is now ready to adjourn.

The Speaker appointed Messrs. Street and Childs said committee.

Messrs. Brigham and Maxwell, a committee from the Council, appointed for that purpose, were introduced and informed the House that the Council had no further business before them, and were now ready to adjourn.

And then they withdrew.

On motion of Mr. Sholes,

Resolved, That the chief clerk procure a list of the titles of acts, memorials and resolutions which originated in this House, to be printed, and that he be required to transmit one copy to each member.

On motion of Mr. Cruson,

The following resolution was adopted:

Resolved, That the thanks of this House are hereby tendered to the Hon. Edward V. Whiton, for the very able and satisfactory manner in which he has performed the duties of presiding officer during the present session.

The Speaker then addressed the House as follows:—

Gentlemen of the House of Representatives:

For the very flattering manner in which you have alluded to my services as your presiding officer, in the resolution you have just adopted, I beg of you to accept my most grateful acknowledgments.

I accepted the station, which I am now about to quit, with the consciousness that I should not only be obliged to rely upon your support and assistance, in the discharge of its duties, but also upon your forgiveness of error. I take great pleasure, Gentlemen, in stating that your support and assistance have uniformly been given me; and the passage of the resolution which you have just adopted, assures me that the errors I may have committed, have been overlooked and forgiven.

Gentlemen, the presiding officer of a legislative body, has arduous and frequently painful duties to perform: in the midst of a contentious debate, and when he cannot but participate in the excitement it occasions, he is often called upon to decide, instantaneously, questions of great importance. Under such circumstances, to do justice to all and to apply correctly the parliamentary law, requires great self-control, as well as promptness and decision. That my decisions have in all cases been correct, is more than I dare hope. I can only say, that I have endeavored to do right; and that my errors must not be imputed to any want of an inclination to do my duty.

Gentlemen, we are now about to separate—may not the hope be reasonably indulged, that when we meet again to renew our labors the same courtesy and forbearance will mark our course which have been witnessed during the present session?

In conclusion, Gentlemen, I pray you to accept, individually, of the assurance that you have my warmest wishes for your prosperity and happiness.

On motion of Mr. Childs,

The House adjourned *sine die*.

APPENDIX.

Document A.

REPORT OF THE COMMISSIONERS OF PUBLIC BUILDINGS.

To His Excellency HENRY DODGE :—

The commissioners appointed under an act of the Territorial Legislature of Wisconsin, approved March 8th, 1839, "In addition to an act entitled, 'An act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836,'" respectfully report, that after being duly qualified to act, the board met at Milwaukee on the 8th day of May, 1839, whereupon Nathaniel C. Prentiss was chosen acting commissioner of the said board, and James L. Thayer was elected Treasurer; and ordered that the board adjourn to meet at Madison.

On the 28th day of May last, the board met at Madison, for the purpose of discharging their official duties; in settling the accounts of the former board of commissioners, and to examine into the state and condition of the public buildings, and their progress towards completion; but were disappointed in not finding here but one of the former board of commissioners, A. A. Bird, Esq., the late acting commissioner; although the board had good reason to expect that they should meet at least two of the former commissioners.

And we regret to report that we did not find the person here who has contracted to complete the public buildings; or any preparations making to procure materials to complete them, and but two men at or about the buildings at work; and that during our stay in Madison of six days, and the period of ten days the acting commissioner remained, neither of the former board appeared, except as before mentioned; nor the contractor, James Morrison.

On the 4th of June last, the acting commissioner addressed a letter to the contractor, informing him of the acting commissioner's readiness to discharge the duties of his office; to which no answer has been received.

On the 17th of June last, the board mailed a letter at Milwaukee to each of the former commissioners, notifying them to meet the present board at Madison on the 10th of July instant, to settle their accounts, agreeable to the 3d section of the act, "approved March 8, 1839."

On the 10th inst., the board convened at Madison, and, up to the date of this report, neither of the former board of commissioners have been pleased to meet us here, excepting the resident commissioner, who has at all times expressed a willingness to settle with the board; but we are of opinion that this board cannot, in strict pursuance of the law which prescribes their duty, settle with only one of the former board, when the treasurer is absent with all his accounts of disbursements, &c.

The progress of the buildings towards completion is in nearly the same situation that it was when we last adverted to it, as no additional men are employed on it; and, judging from the past and the present, we feel warranted in the conclusion, that there is little or no intention, on the part of the contractor, to complete the buildings by the time specified in the contract, to wit: the 20th day of September next.

We would farther report, that from a liberal estimate of all the expenditures made in building the Capitol, from the time the contract was let to James Morrison, to the present time, the amount of money expended cannot exceed the sum of $13,500; and from the report of the acting commissioner, it appears, that the contractor received out of the property belonging to the Territory in April and May, 1838, the sum of $7,969 70; and from the statements of the late acting commissioner, (as we have been unable to obtain any vouchers to that effect,) we are fully convinced, that upwards of $12,000 has been paid over by the Treasurer to the said contractor, out of the last appropriation by Congress; making in all $20,000 or upwards; but which, allowing it to be just $20,000, will show a balance in the hands of the contractor, over and above the amount expended on the Capitol, of $6,500.

The fact that the contractor has received the sum of $6,500 over and above the amount of work done, or money expended upon the Capitol, in connection with the circumstance of the inattention of the late board of commissioners to the notices of this board to meet at Madison on the 10th inst., evinces in our opinion a state of things, which do not subserve the best interests of the Territory, and a course of management which has in its object, some other design than to afford this board an early settlement and ready funds to discharge their duties in the most profitable manner to the people of the Territory, and operates to defeat the intention that the Legislature had in view, viz: the immediate completion of the Capitol.

A sense of public duty requires that this board should communicate their views in relation to the manner in which the work has been done upon the Capitol, and accepted by the acting commissioner; and in doing so, we are compelled to state that the walls of the building, the construction of the work, and particularly that of the roof and dome, are of that character of workmanship, that a public officer, acting for the best interests of the Territory, should never have accepted of.

The present board are not in possession of any Territorial funds, nor do they soon expect to be, and there is some work necessarily required for the safety and security of the building, which is not included in the contracts with J. Morrison, and which it is important should be done before the building is finished inside.

And this board would further report, that they have good reasons for believing, that a co-partnership has existed and does still exist, between two or more of the former commissioners and James

Morrison, the contractor; in the business of constructing the Capitol, and managing the saw-mill, &c., as well as in the mercantile business at this place; and that all profits or losses in the management of the business, benefit or injure alike all the persons concerned.

This board, in saying thus much, state only what they do conceive to be the true state of affairs; and what, also, will serve to explain, in a manner, to the people of the Territory, the singular and mysterious conduct of the late commissioners, and the contractor, for the last few months.

All which is respectfully submitted.

Given under our hands at Madison, this 16th day of July, 1839.

JAS. L. THAYER,
L. H. COTTON,
N. C. PRENTISS,
Commissioners on Public Buildings.

Document B.

REPORT OF THE CHIEF ENGINEER OF THE TERRITORY, ON THE MILWAUKEE AND ROCK RIVER CANAL.

MILWAUKEE, October, 1839.

To His Excellency Governor HENRY DODGE:

SIR—I have the honor to submit to you the following report, pursuant to the fifteenth section of a law passed at the last session of the Legislature, "providing for aiding in the construction of the Milwaukee and Rock river canal."

As the management of this work is in the hands of a chartered company, I can report upon its details only so far as I have been called upon to act in behalf of the interests of the Territory.

A location has been made by the canal company, and examined by myself, as Territorial Engineer. From the summit, at Bark river, to the Milwaukee river, the line as it now runs, is perhaps the most direct which could have been selected, and combines many advantages to the Territory, and the agriculturalists living along its route, particularly from the hydraulic power, which will be created in abundance by the lockage. The summit is three hundred and fourteen feet above Lake Michigan, and the line from it to the lake intersects the Pishtauka and Menominee rivers. It is the design of the company not to construct an aqueduct across either of them, but to cross with dams, which will save very considerable expense to the Territory, as the ground between these two streams, and between the Menominee and Milwaukee river, is low and will not require very deep cuts to pass from one to the other. Waste weirs at these dams will afford as great, or a greater, supply of water to people living near these streams, below the dams, than they receive now from the natural current; for, from the supply which can be had at all seasons at the summit, there will be a surplus of water at each of these places of intersection. There is a descent of seventy feet from the summit to the Pishtauka; from thence to the Menominee, one hundred and ten feet; and from the Menominee to the Milwaukee river, ninety-eight feet; and from thence to Lake Michigan, thirty-six feet; thus is seen the natural division of the lockage.

Stone of good quality, and easily quarried, is found in the vicinity of most of the locks; the expense of whose construction must thereby be more than ordinarily diminished.

As the present location of the canal intersects the Milwaukee river, some material advantages are gained to the Territory, and to the town of Milwaukee. The river can easily be made navigable from the point of intersection to the Milwaukee falls, a distance of twenty-five miles; affording to a rich and well timbered country, facilities to a market; thus increasing the business and tolls of the canal. There being a fall of thirty-six feet from where the canal enters the river to the town of Milwaukee, an excellent hydraulic power can be made in the town, which will bring a revenue to the Territory, increasing with the growth of the country. This is an important consideration, when we look forward to the immense quantity of grain which must be raised in a few years, and transported to Milwaukee to be manufactured for an eastern market. From the summit, the western division of the line of location is made to bend, and suit particular circumstances in connection with the interest of an extensive country. Within two miles of the summit is the beginning of a chain of lakes, presenting almost a connection of waters, easily made navigable to the eastern bend of Rock river, a distance of twelve or fifteen miles; and in many places it will only be necessary to construct tow paths along the shores of the lakes, and suitable navigation is obtained. This will make the route a little more crooked but a cheaper one, and afford to all in the vicinity of these lakes an easy access to the canal.

From La Belle lake to Rock river is a valley which appears to have been designed by nature to unite the two waters. It gradually descends from the lake to the river, making a fall of sixteen feet in two miles, the distance between their waters. As the Rock river is so very winding in its course from this point down to the termination of the canal, and as there is a very serious obstruction to navigation presented by Johnson's rapids, it is important that any water communication uniting Lake Michigan and lower Rock river should be made to connect with La Belle lake, thus affording, at the proper time, facilities for easily making a connection with the upper and lower Rock rivers.

Between Nagowicka and Nomabin lakes is a fall of sixteen feet in a distance of one mile. This portion of the canal can be cheaply constructed, and one of the finest hydraulic powers in the Territory created. From the number of settlements which have been made in the vicinity of this part of the line, and the great quantity of grain already raised, it would seem important to have something done there as soon as possible, in order that the Territory may realize a revenue from the water rents.

La Belle lake will afford a sufficient supply of water at the point where the canal intersects it, to serve as a feeder as far as the termination on Rock river. This portion of the line passes through a rich and well timbered country, not yet well settled, but one which will admit of a dense population.

The descent from the summit to Cincippi, the western termination, is one hundred and thirty-four feet, forty-six of which is within one-fourth of a mile of the termination, affording to the Territory at that point a valuable water power. It is in contemplation to construct a dam across the out-let of North lake, and to turn the water through Pine lake, and thence through a feeder one mile in length, into the summit of the canal. This will not only increase the navigation eight or ten miles, and afford to all who may live upon the borders of these lakes water transportation to the canal, but it will afford surplus water upon the summit. Bark river is also taken in at the summit, the canal crossing it with a dam.

Thus far, I have referred only to the feasibility and locations of different portions of the work, but it is also necessary that I should inform you that the cost of the canal will be less than the limit prescribed by the law, and I should report the estimate, as made, but as the canal company has the direction of the work, and I am unacquainted with all their plans, it is impossible for me to determine the exact cost of its construction; yet you may rest assured that it will not be more than twelve hundred thousand dollars, provided it is under good management, and the expenditures are judiciously made.

The time which it will take to construct the canal, of course, will depend upon the means obtained for that purpose, and the manner in which they are applied. I would recommend a completion of the work in five years, that being a period in which I think it can be accomplished, and suit the interests of the country. By beginning with the expenditure of one or two hundred thousand dollars for the first year, and gradually increasing the appropriation, as the business of the country will justify it, the canal will be completed in a few years, and the money laid out kept in the country.

There is at this time a surplus produce which would justify an immediate expenditure of fifty thousand dollars upon the canal, and the laborers employed would consume only sufficient to give a market for the products of the farmer.

A branch canal to connect the "Pishtauka" with the main line, should be made as soon as practicable. This will be but a few miles in length, before it unites with navigable water in the "Pishtauka," and affords to a dense and enterprizing population the facilities of a water communication to the Milwaukee market. The "Pishtauka" passes through one of the best settled portions of the Territory, all the lands of which, I believe are held by actual settlers, who have raised during the last season fine crops of grain. A large surplus produce has been made last season upon that river, and if after a settlement of from two to three years they have produced more than the country consumes, what may we expect when large fields are enclosed, and the soil properly subdued? The interest of the citizens of Walworth county, and that portion of Racine in the vicinity of the "Pishtauka," imperatively demand a speedy completion of the Milwaukee and Rock river canal, in order that they may have a communication by water to the Milwaukee market.

The country through which the Milwaukee and Rock river canal passes, is rich and finely watered, and settling by an industrious and farming population. Those who have been in the country two or three years have large improvements, and have already provided a surplus beyond what they can consume. From Rock river east, eighteen miles, the country is covered with a dense growth of timber, from thence till within about the same distance of Milwaukee, it is oak openings and prairie, and from thence to Milwaukee it is covered with a rich growth of timber. The whole distance following the line of the canal, is sixty-one miles and twenty-four chains. The soil is peculiarly adapted to raising all kinds of produce which will suit this particular latitude. I have been thus particular in a description of this country, because I deemed it my duty as Territorial Engineer, to impart to you all the information which I may possess with reference to the canal, or canal lands. The agent appointed to negociate a loan of fifty thousand dollars, not being able to effect it, no contracts have been let, or money applied to the work, on the part of the Territory. Although the failure to obtain money will prevent an immediate commencement of the work, yet it is not necessary that it should retard its final completion. By increasing the amount of Territorial bonds, so as to be ready for a favorable change in the money market, the work, when it is commenced, can be prosecuted upon a more extensive scale, and completed within the time anticipated.

The Milwaukee and Rock river canal will give a water communication between the lakes and a tributary of the Mississippi, by a shorter route than any other which has or can be constructed. It unites with Rock river almost directly west of the town of Milwaukee, affording to all who may live upon the river, a direct water communcication to a New-York market, which now, they can only reach by the way of New Orleans, or up the Ohio river. These two routes have many dangers, difficulties and expenses attending them. If a farmer sends his produce by the way of New Orleans, he has his river transportation to pay to that city, and from thence to New-York, transportation and insurance, which is double the amount which would be paid upon the lakes. There is no certainty of being able to reach a New-York market by the way of the Ohio river, as that stream is too low for navigation from the middle of July till the first of Novembr, the very season in which merchants, wish to bring their goods west. But New-York can always be reached by the lakes in the business season, and give to the citizens of the interior, a communication to Lake Michigan, and they are certain of a sure and safe transportation to market, and that communication is obtained by the completion of the Milwaukee and Rock river canal. It is true that Illinois is making great strides with her internal improvements, and will be able in a few years to give access to Lake

Michigan upon her public works for our produce. But will Wisconsin remain inactive and suffer the hard earned products to be carried away by Illinois to fill the coffers of that state? It is a self-evident fact, that unless she makes use of the advantages given her by the general government, all the important trade of the country will be diverted into the state of Illinois by her canals and rail-roads.

Wisconsin, with a climate unusally healthy, and a soil equal to any in the world, will not suffer such blessings to escape unimproved. The Territory will begin a system of internal improvements by proper arrangements for the prosecution of the Milwaukee and Rock river canal, the beneficial effects of which, will be felt and applauded by succeeding generations. It is not necessary to involve the future State in a debt; from which she can only extricate herself by a sacrifice of credit, or a system of direct taxation. It is only necessary to make use of the means at her command. Congress perceiving the good effects resulting from making appropriations in lands, will be induced to pursue a magnanimous course towards the Territory and make further appropriations for other works, in prosecution of the policy already commenced.

The immediate improvement of the Rock river for steam-boat navigation is an object, not only required on account of its connection with the Milwaukee and Rock river canal, but to accommodate an extensive and fertile county through which that stream runs. Heading near Lake Winnebago in the north, it winds its way south, through one of the most beautiful and fertile regions in the world, and empties through the state of Illinois into the Mississippi river. The state of Illinois has made liberal appropriations for the improvement of that portion which runs through the state, and which contains the worst obstructions. Those in the Territory are but few and easily removed, and by a proper representation to the general government, I have no doubt a sufficient appropriation may be obtained for the removal of all the obstructions to navigation. The soil upon the shores of this stream, is in many places in a fine state of cultivation, and in a few years we may expect to see it lined with an industrious and wealthy population.

Already a number of towns of several hundred inhabitants have sprung up, and filled with stores of merchandize for the accommodation of the settlers. But the merchants have to labor under great disadvantages in the transportation of their goods, and of course must sell at a great advance to save themselves from loss. This extra cost comes out of the farmers, and must continue to be drawn from them till a more easy means of reaching market is provided. Thousands of bushels of wheat, which are selling from three to four shilling per bushel, could be exported from Rock river, the receipts of which in the east, would serve to enrich the farmer and the country, and renovate the drooping spirit of inactivity, and cheer up the disappointed and desponding. From there being no pine upon any of the tributaries of Rock river, the inhabitants are at great inconvenience and expense in obtaining the requisite lumber for building. They have to pay from fifty to sixty dollars per thousand for pine lumber, and obtain it with difficulty at that. At Milwaukee, such lumber is selling for from twelve to fifteen dollars per thousand, and if the Milwaukee and Rock river canal were open, it could be furnished on any part of Rock river for twenty or twenty-five. The great quantity which would be sent from Milwaukee, would make no small item in the business of that place, and of the canal. This is only one commodity I have named, but many others might be mentioned with equal propriety, in demonstrating the importance of a means of transportation west.

In connection with the Milwaukee and Rock river canal, the improvement of the Pecatonica is an important consideration. Entering the state of Illinois, from the southwest corner of Iowa county, Wisconsin Territory, it winds its way through a rich and beautiful country, and empties into Rock river a few miles below the state line. The Pecatonica is a deep and sluggish stream, and I have learned from those who have boated lead upon it, that it would be an easy matter to make it navigable for boats of light draft up to the Territorial line. From thence I can speak from personal observation, as I made it my business during the last spring to examine it with reference to its future improvement. I should pronounce it perfectly feasible to construct a canal from the state line, along the valley of the Pecatonica, up to New Baltimore, which is within about seven miles of Mineral Point.

At that place two streams unite, which will afford sufficient water for the supply of a canal to the state line. But from New Baltimore to Mineral Point the supply of water is limited, and I should have some hesitation in stating that there was sufficient to supply a canal and locks which would be requisite. But it would be an easy and cheap operation to construct a rail-road from thence to Mineral Point, which would answer the purpose of transportation.

A company has been chartered, called the "Pecatonica Navigation Company," for the purpose of making an improvement from Mineral Point to the state line. But it is not to be supposed, with the limited capital of a new country, the resources of which are not yet developed, that it will be able to accomplish this desirable improvement, without assistance from the general government. But when the utility and importance of this improvement, and the reasons which induce the citizens to pray for aid, are properly represented to Congress, I have no doubt it would lend a listening ear and give a helping hand to the prosecution of the work. The policy of the government to appropriate lands for public works of importance, can be carried out in this instance with great advantage. The length of the work would be about thirty miles, and the country through which it passes, is nearly all covered with lead and copper, the most of which belongs to the United States. In making a grant of land for this object, the government is only acting the part of a great land-holder, who gives a few acres to make the remainder valuable, and provide the means for the transportation of this produce to market. For the want of better means the miners are compelled to convey their mineral thirty or forty miles to Galena with animal power, and over rough roads, losing almost one half the profits, in being thus compelled to use such tardy and expensive transportation. Another great objection to this, and argument in favor of preparing other facilities to market, is being compelled to reach a market out of the Territory, depriving our towns of the benefits of the mineral trade, and building up and enriching the towns of a neighboring state. I have no objection to their prosperity, but I do object to making use of the resources of Wisconsin for that purpose, and retarding the growth of one of the finest countries in the world. It may be asserted, I believe, without fear of contradiction, that two-thirds of the mineral shipped from Galena is raised in the Territory, when it is scarcely heard of in the mineral trade of the east, and would never be known that a pig of lead was ever made in Wisconsin, were it not for the brands upon it. Such facts should rouse the public spirited citizens to a sense of their interests, and induce them to make every effort to keep this valuable trade, as much as possible, within the limits of our Territory, and to secure the cheapest and most expeditious transportation to a New-York market.

If it is not stopped, our country will be drained of its wealth, and when it takes its place by the side of the sister states in the Union, it will have been robbed of its richest treasures. The improvement of the Pecatonica is only carrying out one of the objects of the construction of the Milwaukee and Rock river canal. The means of transporting the mineral to Lake Michigan must be afforded to the miners. If that object can be obtained, they will be able to reach a New-York market at one-half the present expense. That state is deeply interested in this project, for it is only an extension of the great Erie canal into the heart of the mineral regions of Wisconsin. It will divert the trade from the Mississippi to the Lakes, and add wealth to that state. It will augment the carrying trade upon the Erie canal, and increase the means for the enlargement of that great work, which has been commenced with a public spirit worthy of the Empire State.

The improvement of the "Cat Fish," or "Four Lakes" river, is an object worthy of consideration, in connection with the Milwaukee and Rock river canal. This stream runs from Madison the seat of Government, and empties into Rock river, about six miles below Lake Kushkanong. The kind or extent of the improvement which would be required to make this stream useful in navigation, I am unable to report upon, as I have not made an examination with reference to its improvement.

It is possible that Capt. Cram of the United States Topographical Engineers will make a report upon the subject to the general government, and afford such information as shall be required in the preliminary arrangements for improving it. The River of the Four Lakes passes through a fine rich rolling country, beautifully diversified with prairies and oak openings, affording to the farmer all the varieties for convenient and easy improvement.

I rode over the country from the Fourth Lake to the Wisconsin river, as far as the summit; and, as well as I could judge from the slight examination made on horseback, I should give it as my opinion that a reservoir could be formed at the summit to furnish water sufficient for canal navigation, provided that there is not too much fall from the summit to the Wisconsin. This, however, should be more thoroughly tested with the necessary instruments, before any important steps are taken toward its improvement.

The improvement of the Platte river up to the town of Platteville, is an important work to that section of the country. Platteville is a flourishing town with several hundred inhabitants, which has sprung up within a few years in the vicinity of the Platte mines. The country around is well populated, and already it has some of the finest farms in the Territory; which in a short time will produce a surplus that will seek a market on the Mississippi river. The miners labor under the same difficulties as those about Mineral Point, in the transportation of their lead to market; having to convey it to Galena or Sinipee with wagons and teams. From an examination which I made during the last summer I am convinced that a canal or rail-road could be made from the head of the back water of the Mississippi to Platteville, which is only ten or twelve miles. But to make this improvement the general government must grant the means, either in lands or money. A grant of land similar to those which have been made for similar works would make this improvement, and afford to the people the means of reaching market with their products, at much less expense, and the mines of the United States would be enhanced in value ten-fold.

If the members of Congress, with the liberal and expanded views of American statesmen, can be convinced of the importance of these works, and of the facility with which they can be made, they will not hesitate to grant to the Territory the alternate sections five miles on each side of the work for that purpose; thereby enriching that portion which belongs to the United States and make it sell with the improvement for more than the whole would bring without it. Although the soil of the Territory has belonged or does belong to the United States, and the land was ceded to it in consideration that the proceeds should be distributed among the states, in proportion to their population; yet it would appear like very bad policy for the government to draw from the Territory all its resources; for unless improvements are made, the country will not settle; and if the country does not settle, the lands will not sell; and hence the government can receive nothing from them.

There is one subject, which may not be considered directly connected with this report, yet, from its importance to the country, I cannot permit this opportunity to escape without presenting it to your consideration. It is the construction of a rail-road from Lake Michigan to the Mississippi river. By the number of works which are being projected and prosecuted in the east, with a spirit and enterprize peculiar to the American people, and the regular and continuous line presented from New-York to Lake Michigan, we are forcibly impressed with the importance of extending this magnificent chain of internal improvements through Wisconsin to the Mississippi river. In a few years rail-roads will have been made from New-York to Albany, and from thence to Buffalo; a good portion of the latter being already completed. Also, from Buffalo passing along the southern shore of Lake Erie, through Pennsylvania, Ohio and Michigan, to Detroit. A route has been projected from Niagara river along the northern shore of Lake Erie, through Canada, to Detroit. A survey and report has been made upon this route by an able engineer, pronouncing it perfectly feasible; and it no doubt before this would have been under construction had it not been for the unfortunate troubles in Canada. The state of Michigan is constructing a road from Detroit to the mouth of Grand river, and as soon as it is completed the enterprizing citizens of Wisconsin will have steam-boats plying from its termination to the different harbors in the Territory. But if there is not a continuation of this great route from the lake through Wisconsin to the Mississippi, the travel will be diverted to Chicago, and thence to the Mississippi, thus depriving our citizens and our country of a great and increasing source of wealth. Passing through a country surpassing almost any in the world in natural beauty and diversity of scenery, it would draw the travel from other routes which are not possessed of these advantages. The pleasure seeking traveler, naturally fond of variety, would seek this route, more especially as it would be in a direct line from the falls of Niagara to the falls of St. Anthony, which in a few years will be made a place of resort for the fashionable public. And as the tide of immigration is continually rolling back farther and farther westward, we may expect to see in a short time the Upper Mississippi containing a dense population and studded with rich farms and thriving villages. This is no fancy sketch, but drawn from its analogy to the settlement of other new countries. But a few years since, and western New-York, which is now almost one great farm, interspersed with towns and villages, was a howling wilderness. Western Pennsylvania, Ohio, and Michigan, have only come into notice a few years since, and Wisconsin, which has bore a name less than five years, contains a population almost sufficient to entitle her to a place in the Union. And must we not suppose that immigration will continue to flow into the far west, and in a short time the present frontier counties thickly settled? It should be the policy of Wisconsin to be in readiness to reap a portion of the benefits which must necessarily result from the population of the west, and prepare the means of connecting improvements with those of the east, affording an easy and ready means of reaching market. Iowa Territory is settling like magic, and producing a large surplus, which would be sent to New-York by the way of the lakes, if a rail-road were constructed from the Mississippi to Lake Michigan. The people of Iowa are almost as deeply interested in the completion of this work as those of Wisconsin; and I have no doubt that opposite to its termination on the Mississippi would be a focus for many other important works, and a town of great magnitude would spring up, rising in importance with the other commercial emporiums of the west. This would give Wisconsin the transportation of the produce of Iowa to Lake Michigan, and would build up a lake-port town which would be the pride of the country. He, who will wander back in memory for the last ten years and examine the latent resources of the country which have been developed and added to our national wealth, and view the wonderful and magic changes which have been made in the wilderness of the west, will be ready to join with me in my brilliant anticipations for the future, and picture a prosperity more prolific with wonderful results.

All of which is respectfully submitted.

ALX. M. MITCHELL,
Chief Engineer of the Territory for the
M. and R. R. Canal.

His Excellency HENRY DODGE, Governor of Wisconsin Territory.

Document C.

REPORT OF THE ADJUTANT-GENERAL.

ADJUTANT-GENERAL'S OFFICE, W. T.,
Mineral Point, Nov. 25th, 1839.

To His Excellency, HENRY DODGE,
Governor and Commander-in-Chief, &c., &c.

SIR—In obedience to general orders issued by the Commader-in-chief, and bearing date August the first, 1839, a general order of the same date was issued from this department, accompanied by letters of instruction, directed to the several commanders of regiments and separate battalions, of the militia of the Territory, and also requiring the several commanding officers of volunteer corps' within the same, to conform to the requisitions of the said order. The object of the general orders, was, to effect the re-organization of the militia, in conformity with the existing laws of the United States in relation to the army, and also pursuant to an act of the Legislature of Wisconsin, passed the eighth day of March, 1839.

The military force of Wisconsin Territory, as organized prior to the passage of the laws above stated, consisted of five regiments, and two separate battalions, comprising thirty companies of militia; also of seven volunteer corps'; the whole being formed into two brigades. Those laws required an increased number of men in each company, so as not to be less than ninety-three, including officers, non-commissioned officers, musicians and privates; and consequently rendered a new arrangement as to the bounds and number of companies, necessary, preparatory to the re-organization of the whole into battalions, regiments and brigades.

From the first regimental district, composed of the county of Iowa, no official returns have been received, designating the bounds of companies, or the number of men contained in the regiment; although by the advertised orders of the commanding officer of the regiment, the bounds of the several companies have been designated, with a view to include the requisite number of men in each company. In the Mineral Point company, in this regiment, three officers have been returned to your Excellency for commissions.

From the second regimental district, composed of the counties of Brown, Manitouwoc, Sheboyagan, Fon du Lac, Portage, Marquette and Calumet, the most satisfactory returns have been received. Colonel Wheelock, with promptness and accuracy, immediately proceeded to designate the new bounds of companies according to general orders, and the result has been forwarded to this office, exhibiting the muster rolls of six companies, together with the selection of officers in each, and giving an aggregate of five hundred and seventy-two officers, non-commissioned officers and privates, as now enrolled; accompanied with a statement, that a number of persons now settled in the prairies of the Upper Wisconsin, whose names are not yet obtained, may render the fractional company in the regiment complete.

From the third regimental district, composed of the counties of Milwaukee, Jefferson, Dodge and Washington, I have received no returns of the new bounds of companies, nor of the actual number of men therein; but a return has been made to this office of the names of company officers for six companies, and also a recommendation for the appointment of a major of the regiment to fill a vacancy; the officers names have been reported to your Excellency.

From the fourth regimental district, (formerly the eighth,) composed of the counties of Racine, Walworth and Rock, no returns have been made in relation to the new organization of boundaries of the companies; but I have received from the commanding officer of the regiment a statement of the old bounds of the nine companies of which his command is composed, together with a promise to forward to this office a complete muster roll of each company, as soon as the same can be obtained; the receipt of these documents will perhaps cause the present company boundaries to be little, if any, changed; this is the opinion of the co A major has been lately commissioned in this regiment to vacancy.

From the fifth regimental district, (formerly the ninth,) posed of Grant county, no official returns have been rece hitherto. but they may be shortly expected.

From major H. L. Dousman, commander of the separate talion, composed of the county of Crawford, a very satisfac report has been received, exhibiting the muster rolls of two co panies, containing, the first, sixty-two, and the second one hun and two, making in the aggregate, of officers, non-commissio officers and privates, one hundred and sixty-four men. Com sions have been issued to the newly elected officers in this batta In answer to enquiries made from this department on the sub major Dousman has written, that he will obtain, as early as p ble, information of the number of persons now in the St. C and Chippewa country, with a view of their organization into c panies, and report the result to this office.

From the separate battalion composed of the counties of and Green, no return has been received. I understand that battalion is divided into four company districts, the number of not yet ascertained.

The volunteer corps of "the first Wisconsin Dragoons," c manded by Capt. John F. O'Neill, exhibits a muster roll of three officers, non-commissioned officers and privates, as re to this office.

No other volunteer corps' have made returns, although I u stand that several are in existence in the Territory.

Considering the great extent of country embraced in the T tory, its widely scattered population, the difficulty of comm tion from one quarter to another, except on direct mail and especially the short period elapsing from the date of th ral orders to the present time, much has already been eff obtaining the desired object of the Commander-in-Chief, pressed in the general orders, and in a short time it is e that this department will be able to furnish your Excelle orrect roster of the militia and volunteers of the Territory, as n as the requisite information is gained from the proper sources, the subject of the required re-organization of the militia of the rritory, I will lay the same before the Commander-in-Chief.

I have the honor to be,
Your Excellency's ob't serv't,
WM. R. SMITH,
Adjutant-General Wisconsin Militia.

Document D.

EPORT OF THE COMMISSIONERS OF PUBLIC BUILDINGS.

o the Honorable the Council and House of Representatives of the Territory of Wisconsin:

The commissioners appointed under the act of the Legislature f the Territory of Wisconsin, approved March 8th, 1839, enti ed "An act in addition to an act entitled, 'An act to establish he seat of government of the Territory of Wisconsin, and to pro ide for the erection of public buildings, approved December 3d, 836,' and for other purposes," would respectfully

REPORT:

That after having entered into bonds for the faithful perform nce of their duties, they met for the first time at Milwaukee on he 8th day of May, 1839, and at said meeting Nathaniel C. Pren iss was chosen acting commissioner of the board, and James L. Thayer was elected treasurer. At the said meeting it was order d that the next meeting of the board be held at Madison.

[See copy of document marked A.]

On the 28th day of May last, the second meeting of the board was held at Madison, for the purpose of settling the accounts of the former board of commissioners, to examine into the state and condition of the public buildings, and particularly to adopt proper measures to expedite their completion.

We should have held our meeting at Madison some time previous to the twenty-eighth of May, agreeably to our intention, when we adjourned our meeting at Milwaukee, but were induced to postpone it to that period in consequence of the engagements of one of the former commissioners, J. D. Doty, Esq., whom we saw at Milwaukee, and who said he would be at Madison from the 25th to the 28th of May. When we met at Madison we found but one of the former commissioners, A. A. Bird, Esq., and during a stay of six days, neither of the two absent commissioners, nor the person who had contracted to complete the Capitol, made their appearance at Madison.

Soon after our arrival at Madison, we gave due notice, in the Wisconsin Enquirer, of our meeting, in order that the former board, the contractor, and all persons interested, might attend. After a stay of six days, as before stated, we adjourned; the acting commissioner remaining ten days longer for the purpose of meeting the contractor, James Morrison, or any of the former board who might appear to adjust their accounts.

During our stay at Madison, we examined into the situation of the Capitol. We found no materials collected for the completion of the Capitol, and we could not ascertain that any preparations had been made, or were making, to obtain them. But two men were employed on the Capitol, which was in a very incomplete state. The hall of the House of Representatives was in the same situation in which it was left at the last session. The Council room was in the same unfinished condition, and no part of the work of the interior of the building appeared to be done since the adjournment of the Legislature, with the exception of a portion of the main passage, which was lathed.

Not having received any intimation from the contractor, James Morrison, that he meant to meet us, the acting commissioner addressed a letter to him on the fourth of June last, informing him that he, the said acting commissioner, was in readiness to discharge the duties of his office, and requesting the contractor's attendance, to which letter no answer was received.

Our solicitude to fulfil the duties required of us by the act under which we were appointed, urged us to make further exertions to effect a settlement with the former board of commissioners; and on the 17th day of June last, we addressed a letter to each of them, requesting them to meet us at Madison on the 10th day of July following, in order to settle their accounts agreeably to the requisites of the law.

We received but a single reply to these letters or notices, which was from J. D. Doty, Esq., and dated at Prairie du Chien, July 13th.

[See copy of letter marked document B.]

In his reply, Mr. Doty acknowledges the receipt of our letter, adds that he is "sorry to say that my [his] engagements are such as to prevent me from doing so until after the first Monday in August. I shall then be very glad to meet you, and settle my accounts as treasurer."

In conformity with the notices addressed to each of the former board of commissioners, in the letters above alluded to, [See copy of which in document marked C,] we met at Madison on the 10th of July, and having remained until the 16th without seeing any of them, excepting A. A. Bird, Esq., the late acting commissioner, we deemed it to be incumbent upon us as public servants, having important duties to perform, which were intimately connected with the interests of the Territory, to make a report to the Executive, relative to our proceedings, and communicating to him a knowledge of the situation of the Capitol, and of the obstacles that were interposed to prevent its completion.

[See document marked D.]

This report seemed to be demanded by the solicitude manifested by our fellow-citizens upon the subject of their public buildings. We deemed it necessary, because the work did not progress as contemplated in the act to enable the acting commissioner to make his quarterly returns, which were called for by the provisions of that act. We deemed it necessary, also, to account for the almost total neglect with which some of the most important requisitions of that act might seem to be regarded.

At this time (the 16th of July) there was scarcely any perceptible alteration in the situation of the Capitol. No work had been done since our meeting in May, with the exception of a few yards of lathing; and every appearance indicated on the part of the contractor, a determination to leave the building in its unfinished state, and make the most of the amount he had received over and above the value of the work as it then was—an amount exceeding seven-thousand dollars, and which had been improperly and illegally placed in his hands. We have examined minutely all the work done under the contract with James Morrison, and after the most liberal estimate, made with reference to the difficulty of obtaining materials, the price of labor, lumber, and every thing used in the erection of the Capitol, we cannot find that a sum exceeding $13,500, has been expended by him. And for this work it appears he has received from the Territory, (in April and May, 1838,) in property, the sum of $7,960 70; and, also, agreeably to the statements of the late acting commissioner, and of the late treasurer, he has received $13,000 in money, making the whole amount paid the said Morrison, $20,960 70. Showing a balance in the hands of the said Morrison of $7,460 70 of funds belonging to the Territory.

We would remark that, with the exception of A. A. Bird, Esq., the late acting commissioner, neither of the former commissioners, nor the contractor, has ever manifested any disposition to settle or meet with us. A. A. Bird, Esq., has often expressed a willingness to have a settlement, but in the absence of the late treasurer with his accounts and vouchers, your commissioners are of the opinion that in pursuance of the law under which they act, they had no authority to make a settlement with but one of the late board; and, also knew, that were they authorized so to do, the attempt would be futile—worse than useless.

Having in vain exhausted every available means in our power, to effect a settlement with the former board of commissioners, having witnessed an attempt of J. D. Doty, Esq., the treasurer of the late board, to impress upon the public the belief that this board was illegally and improperly appointed, under the act of the 8th March, 1839,—an attempt, too, made in the face of his letter to us of the 7th July, in which he recognizes the legality of our powers and professes a willingness to comply with the requisitions of the act of the Territorial Legislature,—after being seriously impressed from a multitude of facts, that the late board and contractor were united in one unhallowed and criminal attempt to wrest from the Territory a portion of those means, which the liberality of the National Legislature had extended to it, in order to complete its public buildings,—we were forced to the adoption of the only means left us for the preservation of the public property,—a resort to the judicial tribunals of our country.

In September last, a suit was instituted in the name of the Territory, against the former commissioners, for the recovery of the public money in their hands. Subsequently to this proceeding we applied for a writ of mandamus in order to obtain possession of the books, papers, money, &c., which they had shown a determination to retain although by us demanded. It was decided, however, at the September term in Iowa county, by Chief Justice Dunn, that a writ of mandamus could only issue from the supreme court. It is not possible for us to divine what will be the result of this unfortunate state of things—and we might add this disgraceful conduct of the late board of commissioners—but we believe we are fully warranted in the prediction that the Territory will be debarred from the use of the money which is now in the hands of the late treasurer and contractor until it shall have been recovered by the force of an execution.

A suit has also been commenced against James Morrison, the contractor, in the district court of Iowa county, for the April term 1840, for a breach of contract, and for the recovery of the public money in his hands.

The contract of James Morrison for completing the Capitol expired on the 20th day of September last.

Believing it to be the duty of your commissioners to prepare the Capitol for the ensuing session of the Legislature, on the 23d day of September last, we took possession of the building after having been refused by the agent of the contractor. Finding it necessary to obtain lumber and other materials to place the building in a situation to be occupied by the Legislature, we immediately departed for Milwaukee to obtain them; first fastening the windows and lower door of the building, and placing a lock upon the main door. During our absence, James Morrison, the contractor, broke the lock of the door, and placed some men at work in the Capitol; and when we returned we were under the necessity of resorting to legal means to dispossess him. By the result of an action for forcible entry and detainer, Morrison was compelled to yield to a writ of restitution, which again put us in possession; and we then commenced fitting up the Capitol for the reception of the Legislature.

Since we last adverted to the progress of the work by the contractor, he has caused the floor in the Representatives' Hall to be laid, and the lathing to be done to most of the present walls and partitions; and up to the time we recovered possession of the Capitol, the contractor had caused a part of the floor in the Council room to be laid.

Having no public funds to aid us in our endeavors to place the Capitol in a comfortable situation for the ensuing session of the Legislature, we were compelled to use our own means, or desist from the undertaking and leave the Capitol in its unfinished state.

In our expenditures we have, as far as possible, endeavored to unite convenience and comfort with economy; and we believe your honorable bodies will find the accompanying account of our expenses to be even below any amount that would have been anticipated, to wit: $231 01. [See document marked E.] In our report (of July 16) to His Excellency the Governor, [See document marked D.,] we stated we had good reason for believing that a copartnership had existed and was then existing between two or more of the former board of commissioners and the contractor, James Morrison; and, from a continued chain of circumstances, from that time to the present, as exhibited by their conduct, and from a variety of facts that have transpired since the date of the above document, we are unhesitatingly of the opinion that a copartnership has existed and does still exist, between the late board of commissioners and the contractor; and that the late board have been, during their continuance in office, acting in the double capacity of commissioners and contractor, showing a fraudulent design to speculate and trade upon the funds of the Territory, without regard to its best interests.

Among the many evils growing out of this unlawful combination, we may mention one—that a certificate has been given the contractor by the late acting commissioner, of a certain amount of work done by him, and upon that certificate the treasurer has paid over to the contractor the sum of $13,000; when all parties concerned must have known that the payments would exceed the amount of work done on the Capitol by at least $7,500 or $8,000. In the report of the late board of commissioners, made at the Burlington session of the Legislature, and dated Nov. 19th, 1837, it is there stated that about two-thirds of the large timber required for the building is got out and ready for use; and from the statement of the late acting commissioner, the amount of timber then prepared was included in the contract with J. Morrison; but we are unable to find in the contract or published proposals, any reference made to the timber, and are, therefore, at a loss to find when or in what manner it was disposed of. We make mention of this, only to show one example involved in mystery among many that might be mentioned.

In laying before your honorable bodies a statement of the balance of moneys which the Territory is justly entitled to, now in the hands of the former commissioners, and contractor, and which is imperiously required to complete the Capitol, we submit the following statement of expenditures that have been made, and from which the Territory only, has derived any benefit, leaving the extraneous matters connected therewith, (as reported by the late acting commissioner, at the last session of the Legislature, for expenditures in the year 1837,) out of our estimate, as the whole matter is to be settled by a judicial tribunal.

In our estimate we have taken into account the time when the work was done, the high price of labor, and the difficulty of obtaining materials in a new country, remote from settlements, and have allowed what we deem more than ample compensation under the circumstances.

From a careful survey and estimate of the basement of the Capitol, we find it to consist of

745 perches of stone, at $5 per perch,	$3,725 00
Cutting stone for corners of the building, jambs of the doors, windows, sills, caps and water tables,	925 00
Two door frames and four window frames, at $6,	36 00
	$4,686 00
Add 10 per cent. for contingencies,	468 60
Making the cost of basement,	$5,154 60
To which add amount paid James Morrison, (in April and May, 1838,) in property,	7,960 70
Add, also, money paid J. Morrison,	13,000 00
Showing a disbursement of	$26,115 30

exclusive of pay of commissioners.

After deducting the above amount from the appropriations made by Congress of $40,000, it will show a balance in the hands

of the former commissioners of	$13,884 70
To the above balance add the amount over-paid James Morrison, contractor,	7,460 70
Showing an amount of	$21,345 40

in the hands of the former commissioners, and contractor, at present entirely unavailable to the Territory.

We would further report that upon a minute examination into the condition of the Capitol, and its arrangement for receiving the inside work, the situation of the inside timbers in the building is such, that they must be materially changed and altered; a part of them thrown aside, and others furnished, before the building can be finished in a good and substantial manner. The timbers in the roof will require raising to their original places, and staying, to render the roof permanent. The expense of those alterations, together with our estimate for completing the Capitol, will appear in document marked F.

We would here remark, that we have never heard any particular reason assigned why the former board refused to meet and settle their accounts with us, only, that the present board were not legally constituted. Neither have we ever heard the contractor alledge any prominent reason why he did not go on and finish the Capitol, agreeable to his contract. At one time he said he would not go on because the acting commissioner was not present, or had not been present; and at a subsequent time he said he should not proceed with the work, unless the money was placed in Madison, or some place convenient to the work, so that he could be paid off at the end of each week.

We must here close the unfortunate history of the situation of the public buildings. The prospect of collecting the balance in the hands of the former commissioners and the contractor is such, that we believe that the Capitol must remain for some time to come in its present unfinished condition, and the Territory in the unfortunate situation of a party in suits that have already been commenced and are now pending.

Your commissioners have thus far conducted the affairs relative to the public buildings, as they think, for the best interests of the Territory. And in the foregoing report, have given all the information and material facts, that they have been able to arrive at touching the objects within the sphere of their duty.

All which is respectfully submitted.

Given under our hands at Madison, the 2d day of Dec. A. D. 1839.

JAS. L. THAYER,
N. C. PRENTISS,
L. H. COTTON,
Commissioners on Public Buildings.

(COPY.)

Document A.

At a meeting of the board of commissioners on public buildings, appointed March 8th, 1839, by the Territorial Legislature of Wisconsin, to superintend the erection and completion of the public buildings at Madison, in said Territory, and such other duties as are required under their appointment, held at Milwaukee on the 8th day of May, 1839, Nathaniel C. Prentiss was chosen acting commissioner, and James L. Thayer was elected treasurer.

Ordered, That the board adjourn to meet at Madison forthwith.

(Signed) JAS. L. THAYER,
N. C. PRENTISS,
L. H. COTTON,
Commissioners on Public Buildings.

(COPY.)

Document B.

PRAIRIE DU CHIEN, July 7th, 1839.

Messrs. Thayer, Prentiss and Cotton:

GENTLEMEN—I have received your note, requesting me to attend your meeting at Madison on the 10th, and am sorry to say that my engagements are such as to prevent me from doing so, until after the 1st Monday in August. I shall then be very glad to meet you and settle my accounts as treasurer.

This can create no delay in your proceedings, as the contractor will not be entitled to a payment until after that period. By reference to the estimates of the Governor, you will perceive that three thousand dollars were appropriated last winter by Congress for furnishing the Capitol.

Mr. Bird and Mr. O'Neill can give you all the information you may require in relation to the contract with Mr. Morrison for finishing the Capitol.

I am your obedient servant,

(Signed) J. D. DOTY.

(COPY OF LETTER TO EACH OF FORMER COMMISSIONERS.)

Document C.

MILWAUKEE, June 10, 1839.

DEAR SIR—By the 3d section of an act of the Legislature of this Territory, entitled, "An act in addition to 'An act to establish the seat of goverment of the Territory of Wisconsin, and to provide for the erection of public buildings, and for other purposes,' approved March 8th, 1839," it is made the duty of the undersigned, commissioners of public buildings, immediately to settle and adjust the accounts of the former commissioners; and we, therefore, hereby give notice, that a meeting of the board will be held at the American Hotel, in Madison, on the 10th day of July next, at which time and place, we request your attendance for the purpose of entering on the adjustment contemplated in the act referred to.

We are, very respectfully, yours,

(Signed) NATH'L. C. PRENTISS,
L. H. COTTON,
JAS. L. THAYER,
Commissioners on Public Buildings.

Document D.

See report made to his Excellency the Governor, July 16th, 1839, by the commissioners of public buildings.

Document E.

Paid J. Butterfield for lumber and labor,	$4 34
" P. B. Bird for labor,	12 50
" P. W. Matts for labor,	11 25
" S. Kinne for labor,	52 00
" C. W. Leland for stove and pipe,	15 47
" **Abel Dunning for teaming,**	**4 00**
" **James Sullivan for drawing lumber,**	**30 00**
" **W. D. Spalding for labor,**	**2 25**
" **B. Salter's bill of sundries,**	**7 31**

Paid Gray & Milton's bill for sundries,	$2 44
" Josiah Rogers for work,	4 25
" D. Hyer for brick,	5 00
" Cyrus Hill for brick,	2 00
" John F. Wilson's bill,	8 00
" James Hill for teaming,	11 00
" N. T. Parkison for lumber,	2 40
" Sivyer for mason work,	20 00
" H. Fake for Sivyer's board,	8 00
" for putting down carpets, for brooms, wire, &c.—by N. G. Prentiss,	10 80
	$213 01
J. L. Thayer's bill for 1000 feet of lumber,	18 00
Cost of preparing Capitol for the reception of the Legislature,	$231 01

Document F.

Estimate of materials and labor necessary to complete the Capitol at Madison, from its present condition.

The work to be excuted in the modern Grecian style, and in a good substantial manner—necessary superintendence not included.

35,000 feet pine lumber, delivered, c. $40.	$1400 00
12,000 feet oak flooring, c. $30,	360 00
15,000 feet coarse lumber, c. $25,	375 00
1,400 pounds nails, 12 1-2 cents,	175 00
Hangings and trimmings,	150 00
Materials and labor for plastering, including stucco cornicing,	1480 00
Labor and materials for painting,	425 00
Joint screws and materials for hand-railings on stairs and in rooms,	75 00
Altering, furnishing and framing timbers in the body of building,	250 00

Taking off old roof and laying new, including materials and labor,	560 00
Refinishing the dome,	150 00
Carpenter and joiner work necessary to complete the Capitol, and not included in above estimate,	4875 00
Contingencies,	500 00
Cost to complete Capitol,	$10,775 00

Document E.

LETTER OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

EXECUTIVE DEPARTMENT,
Madison, Dec. 17th, 1839.

To the Council and House of Representatives:

I herewith transmit a copy of a letter from the Commissioner of the General Land Office, dated on the 15th of February last in answer to a joint resolution of the Legislative Assembly, bearing date the 19th Dec. 1838.

"*General Land Office, February* 15*th*, 1839.

"SIR—I have the honor to acknowledge the receipt of your communication of the 23d ultimo, covering a joint-resolution of the Legislative Assembly of the Wisconsin Territory, bearing date the 19th of December last, setting forth the importance and necessity of extending the public surveys through the tract of country north of Wisconsin, and east of the Mississippi river, acquired by the treaty with the Winnebago tribe of Indians, which was ratified on the 15th of June last, and requesting that measures may be taken for the purpose. In reply, I have the honor to state, that in view of the stipulations contained in the 3d article of the treaty fixing the time of the removal of the Indians to eight months from the date of its ratification, which time expires this day, there was no particular estimate submitted to Congress, from the department, for surveying any portion of the cession this year; since it was not anticipated that there could be any settlement of the lands, and consequently no demand for them, until a reasonable time after the removal of the Indians therefrom. An estimate, however, will, under all the circumstances, be immediately submitted for the survey of some of the township boundaries, and the subdivisions, for market, of a portion of those situated on the navigable waters, which it is presumed will answer the immediate objects of the resolution."

I am, very respectfully,
Your ob't serv't,
HENRY DODGE.

Document F.

REPORT OF MOSES M. STRONG, LATE FISCAL AGENT.

To the Honorable the House of Representatives of Wisconsin Territory:

I have been furnished by your chief clerk, since my arrival at the seat of government, with a copy of a resolution, passed by your honorable body, in the following words:

"*Resolved*, That Moses M. Strong, Esq., who was appointed by the Legislative Assembly, at its session commencing the 26th

November, 1838, fiscal agent of the Legislature, and authorized to borrow the sum of fifteen thousand dollars, upon the faith of the Territory, be requested to report to this House, as soon as practicable, the manner in which he has performed the duties imposed upon him, what amount and what kind of money was received by him for the payment of the loan made, and at what time; whether the debt contracted against the Territory has been paid, and if so, when;—together with all such information as may enable the Assembly to determine whether he has faithfully discharged the duties he was required to perform, by the resolution under which he was appointed;" and in reply to the request therein contained, I have the honor to refer your honorable body to a report made by me to the Legislative Assembly on the 21st of January last, as to the manner in which I had discharged, up to that time, the duties imposed upon me; and in relation to the remainder of the inquiry contained in your resolution, I have the honor to state, that about the middle of May last, I received from the Treasurer of the United States two drafts, one for the sum of five thousand dollars, upon the Receiver of public moneys at Mineral Point, the other for ten thousand dollars, upon the Receiver of public moneys at Milwaukee. And I have the honor to report further, that on the first day of April last, I paid to Collier & Pettus $300, in part payment of the loan, for which I have their receipt, and on the 27th of July last I paid them $12,973 03, for which I have their receipt, and $124 43, for which I took no receipt, making in the whole $13,397 46, paid by me towards the repayment of said loan; and I, also, paid on the 21st of September last, to William B. Slaughter, Esq., Secretary of the Territory, the sum of two hundred dollars, out of the funds received by me, making in the whole the sum of $13,597 46, of said funds, which were disbursed by me, and leaving in my hands the sum of $1,402 54, which is subject to the order of the Legislative Assembly.

I should be doing injustice to myself, if, after the proceedings of your honorable body, as reported in the public prints, and the numerous unfounded and malicious reports, that have been put in circulation, I should omit to state the *mode* in which the payments to

Messrs. Collier & Pettus have been made. At the time the loan was made, there was the greatest reluctance on their part to making it, on any terms, and I could only obtain it, upon condition that I would pledge myself personally to convert such funds as I should receive from the government into specie, without expense to them, and I accordingly gave them my individual assurance that they should be paid in gold or silver—and I know that the principal inducement that operated upon them in making the loan, was to convert the funds I should receive from them, into specie. I, also, received from them, a few days before I received the drafts, a letter saying, that thinking it possible the Secretary of the Treasury might send me a draft upon some of the Receivers of public moneys in this section of country, they had thought proper to advise me, that they wanted the specie, and that all western paper, (Illinois among the rest,) was at a discount. Knowing that the Receivers of public moneys at Milwaukee and Mineral Point, were receiving western paper in payment of lands, and that the Receiver at Milwaukee had then recently made a large deposit in the bank at Chicago, I supposed that the drafts would be paid in western paper, and that I must not only incur the risk and expense of a journey to Milwaukee and back, but also in order to redeem my pledge with Messrs. Collier & Pettus, must submit to the loss of discount on the paper, or adopt some other mode of converting the drafts into specie in St. Louis. Having, therefore, ascertained that I could exchange those drafts for the notes of the bank of Mineral Point, provided I gave those notes circulation by investing them in lead, and knowing that lead could always be converted into specie at once at the market price, I thought it the best medium of exchange that I could adopt, to avoid the loss, with which I was threatened; the danger of which I had incurred solely from an over anxiety to effect the loan which I had been requested by the Legislature to make, and of which they then stood so much in need. I, therefore, made the investment in that commodity; but although the lead I had purchased was bought at the then reduced prices, yet, before I could get it to St. Louis, it experienced a still greater decline; and, while it was believed by myself, as well as others better acquainted with the subject, that the depression was only a temporary one, and that the market would soon assume its wonted level; having adopted that medium of exchange. I did not feel warranted in speculating upon the public money, as I easily might have done, by holding on to the investment a few weeks; and I, therefore, felt impelled by a sense of my obligations to Messrs. Collier & Pettus, to turn over to them the lead I had purchased, they having proffered to me the market price, (except the difference between specie and currency, which loss I bore,) and although I was thus compelled, from an anxiety to redeem my pledge to them, and to discharge my duties in the utmost good faith to the Territory, to submit to a loss of about $800, yet those gentlemen, by holding on to the lead a few weeks, until it assumed its former prices, have made by the rise, what I lost by the fall, and an additional profit of about $2,000.

I have the honor to state further, in explanation, that at the time of the sale to them, although the price was agreed upon, the weight was not ascertained with certainty, but a given weight was assumed, and I took their agreement that if it overrun, they would allow me for the excess *pro rata*; that excess has since been ascertained to amount to $124 43.

I have thus given to your honorable body, in all frankness, a plain unvarnished statement, of the manner in which I have discharged my duties, and feel an entire confidence in submitting it to you, and through you to my fellow-citizens, feeling a perfect consciousness that, however unfortunately my exertions may have resulted to myself, they have been prompted solely by a desire to discharge my duties in a manner satisfactory to all interested in the subject.

MADISON, December 20, 1839.

MOSES M. STRONG,
Late Fiscal Agent.

Document G.

MEMORIAL OF THE MILWAUKEE AND ROCK RIVER CANAL.

To the Honorable the Council and House of Representatives of the Territory of Wisconsin:

The memorial of the Milwaukee and Rock river canal company respectfully represents: That an act to incorporate said company was passed by the Honorable Legislature, and approved on the fifth day of January, A. D. 1838, in the first section of which act it is enacted, among other rights and powers conferred, that said company "may purchase, hold and convey real, personal, or mixed estate," without restricting or restraining them from the purchase of any *particular* property, either of a real or personal character; and in the sixth section it is enacted "that the said corporation shall have the right to construct, maintain and continue a navigable canal, or slack water navigation, from the town of Milwaukee to Rock river, on such routes, and of such dimensions, and to terminate at such point as shall be determined on by said corporation," without in any manner restricting them in relation to the persons whom they might employ to execute said work.

That an act was passed by Congress, approved on the 18th of June, 1838, in the ninth section of which it is enacted, "that the assent of Congress is hereby given to the act of the Territorial Legislature of Wisconsin, entitled, 'An act to incorporate the Milwaukee and Rock river canal company,' subject to the preceding modifications and the following provisions;" none of which modifications or provisions, however, had any reference to the rights of the company in the purchase and sale of property, or in the selection of contractors, or other agents, whom they might employ.

That any subsequent act of the Legislature, for the purpose of repealing, withdrawing, or in any manner modifying the rights and privileges thus granted, and thus confirmed, would be repugnant to the rights of the stockholders, clearly illegal, and consequently null and void.

Your memorialists would further respectfully represent, that an act was passed by your honorable body, entitled, "An act to provide for aiding in the construction of the Milwaukee and Rock river canal," approved February 26th, 1839, in the 22d section of which, it is enacted, that "no canal commissioner, director, or stockholder of the canal company, or engineer employed on said canal, shall purchase, or be interested in the purchase of any of the lands authorized to be sold by virtue of any of the provisions of this act, nor shall be interested in any contract for the construction of any portion of the canal, or furnishing materials therefor," which provision your memorialists conceive to be in violation of their rights, injurious to the progress of the work, and injurious to the best interests of the country, as connected with the advancement and early accomplishment of that important public measure.

This provision presents a complete bar to the citizens of our own country in subscribing to the stock of the canal, by which act they apprehend that they will be deprived of the ordinary rights of citizens, in the purchase of land, and in furnishing materials and supplies for the canal. The consequence is, that the stock must be disposed of in a foreign market, or the whole must languish. Your memorialists conceive that the true interests of a country are to be consulted by bringing out the energies of her own people, and directing them to subjects of general utility, instead of paralyzing them by such restrictions as tend to dampen their energies, and arrest or retard their action.

Some of our most enterprizing citizens have been restrained from taking the stock of the company, who were anxious to do so, for the reason that if the work should be commenced, they wished to take and be interested in contracts. Many of our citizens would be willing to take a few shares each, and pay the amount of such shares by constructing portions of the canal, and, in this way, give impetus to a work in which they are all alike interested; but they dare not do this, lest they should be cut off from the privilege of taking other contracts, in the further progress of the work from the circumstance of their holding stock in the company. We cannot believe that it was the *design* of the Legislature to give a death blow to this canal, but we are clearly of opinion that such is the effect of the foregoing provision; and that if the design had been to defeat it entirely, a more effectual method could not have been adopted. We presume the design of the Legislature was only to exercise a degree of cautiousness, in not placing too much power in the hands of the company, and that it was no part of its design to defeat the work.

'Is it not, however, possible to be over cautious? May we not carry our caution so far as to do *nothing* for fear of doing *something* wrong? Is not the interest of the Territory sufficiently well guarded in the 16th section of the last mentioned act, where it is expressly enacted, that "the acting commissioner shall, under the direction of the board, examine and approve all contracts made with the canal company for the supply of materials, and the performance of labor, and in case the canal company shall refuse to submit to such examination and approval, or in case such contract shall not be approved by the board, no money shall be paid over to such contractor for materials furnished, or labor performed, out of said canal fund." It appears to your memorialists that this provision secures effectually the interests of the Territory, without encroaching on the rights of the company, and without operating to the prejudice of the enterprize.

It might so happen that the lowest and best bidder for work, at a public letting, would be a stockholder; and it might also happen, that such stockholder would be as competent to discharge the duties required, and possess as high responsibility as any other bidder; and, in case this should happen to occur, would there not be an obvious propriety in giving the commissioners a discretionary power, on behalf of the Territory, in the approval or rejection of such contract? Your memorialists are clearly of opinion that such discretionary power, which is fully conferred by the said 16th section to the officers of the Territory, will effectually guard the *interests of the Territory, without disfranchising the people of any* portion of the country of their common rights and privileges, and promote, at the same time, the great objects of the country, by affording facilities in the execution of the work; while, by an opposite course of policy, by a system of unnecessary restrictions, much injury may be done without any countervailing good being effected as an offset or compensation.

Another injurious effect, so far as regards the canal and its interests, has grown out of the restrictive provision before referred to, relative to the purchase of lands. Many of our most public spirited and enterprizing citizens, who came forward in the commencement of this measure, subscribed stock, and invested their means to a considerable extent, were settlers on the lands which afterwards, by act of Congress, were ceded to the Territory, and had on those lands very extensive improvements. In order to avail themselves of the provisions of the act of February last, they were compelled to sell their canal stock, by which means alone they would be entitled to purchase their lands. It will be obvious, from instances of this kind, many of which could, if necessary, be particularized, that no good has resulted, nor can it result to the Territory by this prohibitory provision, but that much injury has resulted to the canal. and much inconvenience to the people. So far as regards the sale of the lands the law was inoperative—for by selling their canal stock—or by giving it away, the people could enter their lands; but it has proved injurious in the highest degree to the canal, by discouraging the people from taking any interest in it.

In addition to the facts here stated, showing the impolitic tendency of the prohibitions before referred to, we will merely add that it is in direct violation of the act of Congress making the grant; for in addition to the general rights of the corporation, before clearly shown, we find a specific provision in the 5th section of the act of grant, in which it is enacted, "that no part of the said land shall be sold for less than two dollars and a half per acre, nor any sale made until after three months' public notice thereof, and to the highest bidder." Now, if any sale made in pursuance of the above provision of the act of Congress, a stockholder in the canal company should happen to be the "highest bidder," would it be competent for the Legislature, or any officer under the government, to say that such "highest bidder" should not have the land? Would the sale be a legal one, if the Register and Receiver were to strike it off to a lower bidder? On this subject we presume there can be no difference of opinion, and the consequent impropriety of leaving such a provision on our statute book is apparent.

We, therefore, pray your honorable body to repeal so much of the 22d section of the "Act to provide for aiding in the construction of the Milwaukee and Rock river canal," as is contained in the foregoing extract from the 22d section thereof, as being repugnant to the act of incorporation, as approved by Congress, and detrimental to the progress of the canal, and of the general interests of the country, as connected with that measure.

Your memorialists would further respectfully represent, that they have expended much time and money in securing to the Territory a large and valuable tract of land, by an appropriation of the general government, for the purpose of aiding in the construction of this canal, to which they were authorized on the behalf of the Territory, by a provision of the 22d section of the act of incorporation, whereby it is enacted, "that in case the Congress of the United States shall make an appropriation, or donation, either in lands or money, in aid of the construction of the work by this act authorized, the right to the same shall vest in the said state (Wisconsin) whenever the said transfer of the canal shall be made, and the nett proceeds of all sales of land, and the amount of all money so appropriated, or donated, shall be deducted from the amount to be paid to the said corporation, for the transfer of said works to the state, and the said corporation are hereby authorized to apply to Congress for such an appropriation in money or lands, to aid in the construction of the works authorized by this act, as Congress in its wisdom shall see proper to grant." In pursuance of the authority thus conferred, the canal company drew up a memorial to Congress, setting forth the merits of the canal, and appointed the president of the board of directors an agent to present it to Congress, and to attend in person for the purpose of securing the passage of an act in furtherance of this important measure. It will be seen by reference to the papers then before Congress, that it was through the agency and exertions of the company alone, unaided by any memorial of the Legislature, without any pecuniary aid from the Territory, and without any official aid from the Territorial authorities, that the said appropriation was secured to the Territory—an appropriation which, by prudent management, will produce to the Territory a sum not less than five hundred thousand dollars, and sufficient to ensure the speedy completion of the canal, if not exhausted in useless expenditures, and if so applied in co-operation with the company as to secure public confidence in their exertions, instead of being made to exert an antagonistical influence.

Having acted towards the Territory in good faith, in securing the aforesaid grant of land, having advanced the necessary means and incurred the expense, the responsibilities, and we may add, the odium from certain quarters, and having been completely successful in securing, by our own unaided exertions, this valuable donation for the sole benefit and use of the Territory, strictly in accordance with the terms of the act above recited, your memorialists feel that in justice they are entitled to some consideration at the hands of the Territory, for expenses so incurred, and freely paid by them, for the exclusive benefit of the Territory. Had we been unsuccessful in our application to Congress, the loss would have been our own: the Territory risked nothing in our efforts, it took upon itself no responsibilities, but simply authorized us to ask in its behalf, securing to itself the benefit of the petition, if successful, but no part of the loss, if any should be incurred, without success.

Notwithstanding our exertions in this cause, there are persons in this community who, (lamentable as it may be,) affect to believe that the company are not sincere in their efforts to secure the complete success of this great measure—that their design is to secure to themselves certain personal advantages and gratify their selfish or speculative views. They are sometimes charged with ambitious designs, incompatible with the public interest, and at others, inconsistent as it may appear, they are represented as visionary schemers and projectors of chimerical measures. This is all affectation, if it is not entitled to a harsher epithet; and the proof that it is so, is to be found in the whole course and procedure of the company, tending to the advancement of the work. We wish the Legislature and the public to look at our *acts*, in preference to consulting the fertile imagination of our opponents, in proof of our designs; and we fearlessly submit to all who may be concerned, the measures which have been pursued by the company, as an earnest of their future course and policy. An opposition as unexpected as it is unprecedented, has been invoked by certain spirits in the bosom of our own community, who are, from local interest, or some less worthy feeling, opposed to the canal, but fearing to express too openly this hostility, lest public sentiment should take the alarm, they endeavor to conciliate the public feeling, or rouse it into hostility, by aiming their shafts at the *canal company.* They denounce the company as visionary *schemers*, or *chimerical projectors,* but are careful at the same time not to denounce the canal itself as a *visionary scheme,* or *chimerical project.* If the company are entitled to these epithets, why is not the offspring of their visionary reveries entitled to the same; and so, *e converso,* if the canal itself is not a visionary scheme, what evidence is there that its projectors are visionary schemers? But it would not do to denounce the canal itself; the public have too much interest in its success to listen to such treason. It is, however, presumed that the company may be denounced and vilified with impunity, and if it can be broken down, the canal falls with it of course. Such is clearly the design and the hope of the agitators in this matter, and instances have not been wanting, where persons have carried their hostility so far, and have been so regardless of truth and every moral perception, as to declare in terms, that some of the principal movers and supporters of the canal, are actually opposed to it.

In this spirit all the acts and doings of the company have been misrepresented by those persons, in the hope of exciting popular prejudice, and of operating upon the Legislature itself, so as to induce the imposition of such restrictions as will paralyze our efforts and prevent our progress; and then in turn to furnish them the opportunity of saying to the world that the company never intended to progress with it. If the company, by virtue of their chartered rights, purchase an interest in a tract of land from a settler or other person, which is peculiarly well situated, the pitiful envy of a few of the leaders in this opposition being excited; it is at once proclaimed—Lo! a speculation! a speculation!! the company are denounced, and the Legislature invoked to enact new restrictions to take from the company rights conferred by the Legislature and confirmed by Congress, and which no constitutional power, under our present form of government, can in any manner limit, alter or annul.

Why is this so?—why is this warfare waged against the company? These questions admit of only one answer—hostility to the canal. It cannot be for the public good; and we challenge the most rigid scrutiny to show that the measures of the company are in any manner calculated to compromise the public interest. If the company speculate in lands, they only exercise the right naturally possessed by every citizen, and which has been legally conferred on them. If no grant of land had ever been made to the Territory, would it be pretended that the company would not have had a right to invest their means as might best meet their interests? Was it not under the full assurance that the rights conferred on them should be religiously preserved, that they incurred the labor, expense and risk in applying to Congress for the rich boon that has been granted to the Territory? And shall it now be said that having thus placed in the hands of the Territory the basis of a fund worth half a million of dollars, it shall be used as a rod over them, or as an engine to wrench from them the rights conferred by solemn enactment? Never, never.

At the best the privileges conferred on the company are barely sufficent to induce capitalists to take the stock, and our enemies confidently predict that we cannot get it taken at any rate. If this be so, it appears to us clear, that good policy, to say nothing of good faith, would dictate that those privileges should remain unimpaired. Without means being raised by the company, it would be impossible for the Territory to accomplish the work. The sale of its lands if judiciously managed, will probably pay one-half of the expense, and but little if any more. Where would the remainder be obtained? We as citizens of the Territory would not advocate the contracting a debt on behalf of the Territory for that purpose, to be paid by taxation, even if the Territory had the lawful right to contract such a debt, which we believe not to be the case without express authority from Congress. If then the Territory cannot and ought not to contract such a debt, and possesses no means of revenue, it is evident that, single handed, she could not perform this work, and the attempt would be futile.

A spirit of amity, and an united co-operation of all the available financial elements properly applicable to this measure ought to be cultivated; and with such a spirit we feel no doubt but it will be completely successful. Let the work be commenced under favorable auspices, and we feel every assurance that its obvious advantages are such as will enlist the public sentiment and feeling in its support, and insure the investment of capital sufficient for its completion; and not only will it attract the attention of capitalists to itself, but to other portions of our favored country, where the facilities and advantages it affords for similar improvements are apparent, and thus secure their completion at an early period, which otherwise might remain unimproved and unoccupied an indefinite length of time.

The members of this company are, also, citizens and members of this community, and feel a common interest with our fellow-citizens in the general prosperity of the country. We are fully sensible that whatever shall promote the general interest, will also promote our individual interest in common with that of every citizen. This company is no monopoly, and if it possesses any valuable privilege, that privilege is open to the acceptance of every citizen of the Territory, and we should be happy if the people of the Territory had the means within themselves to advance for the completion of the work, and thus secure to themselves whatever advantages might be found to result. Our great and paramount object is to see the canal in successful operation, and we would willingly forego all the direct advantages likely to result to us growing out of the charter, if by so doing we could have the assurance of its speedy and certain completion by any other means. Let us but have the full assurance that the canal can and will be completed by any other means, and we will gladly lay down our charter at the feet of the Legislature. We ask no rights or privileges which are not open to the people of the whole Territory, and we invite the co-operation of the people of every section to come forward and invest their money and share equally in the benefits to be derived from the work, and we extend this invitation to those who have assailed us most violently and bitterly. Let them but invest their means, and we will freely yield to them all the advantage that can be derived from the privileges which are conferred on us. But those opponents will not do this. Their object is not thus to advance the interests of the country by aiding in public improvements; and it is worthy of remark that the persons in this county who have been most hostile to the canal, have never themselves advanced one dollar for any public measure of any kind, for the benefit of the country.

We have labored indefatigably in this cause, and not only devoted to it our time, but a considerable amount of our private means; the result of which, thus far, is chiefly in having secured to the Territory a munificent grant to aid in the prosecution of this inestimable work. Shall it be said, then, that the country is willing to receive the fruits of our labor, and that in return for our exertions an attempt should be made to disfranchise us not only of rights previously conferred by solemn enactments, but also of the ordinary rights of citizens conferred by a beneficent power superior to all human legislation? Shall we be the first and only persons in the community restricted from the exercise of their natural faculties, in securing such personal benefits as are incident to the progressive improvement of the country, of which every citizen has a right to avail himself? We trust not.

Your memorialists would further respectfully represent, that, feeling as they have before said, a deep anxiety for the successful prosecution of this work, and consequently for an economical and judicious expenditure of the amount which may be raised from the sale of canal lands, they would most respectfully suggest for the consideration of your body, certain modifications in the act of February last, whereby a considerable saving may be made in the current expenditures, without in any measure affecting the permanent interests of the work.

In the second section of said act, it is enacted that "the register and receiver shall each receive for their services, an annual salary of one thousand dollars, and the acting commissioner, an annual salary of twelve hundred dollars; provided that the whole compensation to be received by either the register or receiver in salary, commissions or otherwise, shall not exceed the sum of fifteen hundred dollars in any one year." Now we believe it will be conceded that for the services rendered during the present year, these salaries are extravagantly high. There has been but one sale of lands requiring the official attention of the register and receiver, which, together with the examination and registry of improved claims, would consume a few hours per day during about two months of their time. In addition to this, they are required to report to the Governor quarterly and annually, the condition of the affairs of the canal as connected with their departments, making four reports per annum, which ordinarily may require two or three days each, but which during the present year, would probably not require that length of time. In relation to the acting commissioner's duties, they are for the present year merely nominal, and so must be until a loan shall be obtained on the part of the Territory, and applied to the construction of the canal. The appropriate duties of the acting commissioner for the present year have not probably occupied a week of time in the whole, and yet by law he is authorized to receive $1200 for less than one week's actual service. From these facts, it is apparent that the compensation is greatly disproportionate to the services required, and we have understood from one of the commissioners that he so conceives it to be himself.

In the original bill drawn by the president of this company, and which was taken as a basis by the committee who reported the original bill to the legislature last winter, it is provided that the register and receiver be each entitled to receive one per centum of the amount by them received in payment for lands, and one per centum on all moneys by them paid out in the manner provided by law, and fees for other special duties; which compensation would always be proportional to the amount of business which they must necessarily transact. Also in that bill a commission of appraisers was provided for, with a compensation of three dollars per day, for the time actually employed. Establishing this as the rule of payment, the register and receiver would this year receive about one hundred and thirty dollars each, as per centage; and perhaps as much more for fees, which it is believed would be a fair compensation for the services rendered. And as regards the acting commissioner, he having no appropriate services to perform, would consequently be entitled to no compensation. Whenever a loan shall have been obtained, the acting commissioner will have some duties to perform; but on a canal, the extent of this, they will never be arduous; and it is believed that three dollars per day, for the time devoted to the public service, will command the services of any of our ablest men who feel an interest in the success of the canal. If these prices were this year paid, instead of the salaries allowed by law, the amount chargeable to the canal fund for commissioner's salaries, would be about $260, instead of $3,200; making a saving of $2,940, without any detriment to the public service. Again,

In the 15th section of the act of February last, it is enacted that "the Governor, by and with the advice and consent of the Council, shall appoint a competent and skillful engineer who shall be known as the chief engineer, whose salary shall be three thousand dollars per annum," which provision presents two subjects worthy of consideration; first in relation to the salary, and second in relation to the manner of appointment.

In relation to the salary we will barely remark, that the original bill was reported with the words "not exceeding," which would have authorized the payment of a salary "not exceeding three thousand dollars per year, and would thereby have left the subject open to the discretion of the governor; but the terms "not exceeding," being stricken out, as was the case by way of amendment, rendered it obligatory on the governor to make the appointment subject to that precise provision as to salary. It has, however, been satisfactorily ascertained that the office might have been filled with a salary of $2,000, and thus have saved the canal fund $1,000. A still farther reduction might have been secured, and may in future be made by merging the Territorial engineer and the company engineer in one; and this brings us to the subject of appointment.

We believe it is usual in the states to confer upon the commissioners the power of appointing their engineers, for the reason that being themselves in the superintendence of the work and conversant with the operative affairs connected with it, as well as a personal knowledge of the persons, employed, they are more competent to judge of their qualifications, and the manner in which they discharge their duties, than the Legislature or Executive of the state could be. If that system were adopted here, it is believed that the commissioners on the part of the Territory, and the directors on the part of the company, would be able to agree in the appointment of an engineer, and it will be apparent to every one, that one engineer is sufficient to conduct the affairs of a canal sixty miles in length as well as a greater number.

The engineer, appointed under the act of February last, did not conceive it his duty to bear an active part in the location of the line; and, consequently, the company were under the necessity of employing another engineer to perform that duty, thereby incurring the expenses of two officers of the same class to perform duties which could be discharged by one. The Territorial authorities having failed in making a loan, it would appear quite superfluous to employ more officers than those absolutely required to conduct the business relative to the lands until a loan shall be obtained.

Whenever this state of things shall happen, we feel no doubt but the company will concur with the commissioners, or with any appointing power which the Legislature may prescribe in the selection of an engineer, leaving it discretionary with such appointing power to fix the salary with a limitation fixed by law, which the salary should not exceed: and in case of the commissioners and directors so agreeing, the salary could be paid, one moiety by the Territory, and the other by the canal company. Consequently, if a competent engineer can be employed for $2,000 per annum, only $1,000 would be chargeable to the canal fund, instead of $3,000 as in the present arrangement.

Some such modifications seem to be demanded for the purpose of curtailment, at a time when from the extraordinary condition of the financial affairs of the country, the most populous and wealthy states in the union are suspending their works for the want of funds to proceed; and at a time, too, when it has been ascertained that the Territory is not, for the present, able to obtain a loan with which to commence the only work for which she has a basis whereon to erect an available fund.

It is, however, believed that by another year the times will be more propitious for obtaining a loan; and that the Territory may then secure the means without difficulty for progressing with the work under auspicious circumstances. So long, however, as this subject remains in doubt, would it not be in accordance with the dictates of prudence to suspend the greater part of the expenses now chargeable to the canal, which can be done without detriment, and organize the future operations on a more economical basis.

The present year's expense for commissioners and engineer, amount to $6,200, without there having been expended one dollar of public funds for the promotion of the canal. The only official duties which have been performed by the commissioners being to dispose of the occupied lands, the receipts from which are understood to be about $13,000, and the only professional duties discharged by the engineer being to express his opinion in regard to the location of the canal line, and its cost of construction.

The location of the canal was completed in April last, and a plat and profile immediately prepared by the company's engineer, Mr. Lapham, and forwarded to the Governor and to the Commissioner of the General Land Office, from which the canal lands were set off and designated, preparatory to a sale thereof by the canal commissioners. In June, a letting of jobs took place under the direction of the company, at which several sections of the canal were put under contract. One of the contractors, Mr. Pettibone, has commenced operations, and has notified the board of directors that he is willing to continue his operations through the winter, on a portion of the work which can be done with much better effect at that season than any other, and he will advance his own means for that purpose, to be remunerated whenever the company shall obtain funds to meet it, or whenever a loan shall be obtained by the Territory, applicable to that purpose. These jobs have been let on favorable terms, and we feel a confidence in their completion within a year or eighteen months, so far as to make the water power at this place available, even if the times remain unfavorable for a loan. This water power being improved will enlist the capital and enterprize of business men to such an extent as will ensure at an early day the completion of the canal itself, and thus extend to our interior country, which is even now one of the most productive in the fertile west, the full benefits of a water communication with the lakes.

Your memorialists would further respectfully represent, that the present amount of population, and the increased productions of the country, afford facilities for the performance of labor which would justify the expenditure, within the next year of at least $100,000. This sum could be economically and beneficially expended, and should the condition of the money affairs of the country be such as to enable the Territory to effect a loan to that amount, we feel justified in the expression of the opinion that good policy would dictate the measure. This would require an additional appropriation of $50,000, which could be negociated with the present bonds for $50,000, and thus provide the means for the successful commencement of a measure in which nearly every portion of the Territory have a deep interest, either by its direct operation, or by its influence on other similar works, which will ultimately form the links of a great chain of interior communication, uniting the interests of all sections in one common bond.

From the peculiar position of the canal company towards the local government of the Territory in relation to this enterprize, we have conceived it our duty as well as our privilege to present the facts and views herein contained, for the consideration of the Honorable Legislature; and we feel assured that whatever we may have advanced which may be worthy of consideration, will receive due attention from your honorable body.

That the canal is a measure which will ultimately be of immense public utility we do not conceive admits of any doubt, and that it will receive the fostering care and attention of the Honorable Legislature, your memorialists, as in duty bound, will ever pray.

Adopted in meeting of the board of directors, on the 25th day of November, 1839.

BYRON KILBOURN, Pres't.
JAS. H. ROGERS,
JOHN S. ROCKWELL,
S. D. COWLES,
GARRET VLEIT,
W. R. LONGSTREET,
Directors.

Document H.

COMMUNICATIONS OF BYRON KILBOURN, PRESIDENT OF THE MILWAUKEE AND ROCK RIVER CANAL COMPANY.

To the Honorable House of Representatives:

The undersigned begs leave to state, on behalf of the board of directors of the Milwaukee and Rock river canal company, in response to the resolutions of your honorable body, adopted on the 9th inst., and transmitted to the subordinate officers of the company, that on the receipt of those resolutions, the undersigned was on the eve of departure to this place, having a conveyance then engaged—that the time required to make a detailed statement upon all the points requested, would be such as probably to defeat the beneficial results designed, as regards the present action of the Legislature—that those resolutions, however, were laid before the directors, as the proper source of action on the part of the company, agreeably to the act of incorporation—that the board authorized me, on their behalf, by resolution, to give such information, generally, touching the affairs of the company, as might be desired by the Legislature, or by any committee of either House; and to state, definitely, the views of the board on the following points:

1st. That, if desired, they will report annually to the Legislature, all the facts connected with their operations relative to the canal, embracing the points covered by the aforesaid resolutions, and such other matters as they may deem useful to the public, or of interest to the Legislature, as agent on behalf of the people, and of the future state of Wisconsin, as connected with that measure.

This the company are not required to do by their charter, nor have they been subsequently requested to do it, until it was too late for the use of the present session; which reason alone was deemed sufficient to excuse their neglecting to make such a report at this time. They have nothing to conceal, and will freely at all times, when desired, exhibit their books and transactions to the Legislature, to the canal commissioners, or to the public; and had the Legislature expressed, at an earlier day, its desire to receive such a report, the company would promptly and voluntarily have complied.

2nd. That so long as the company exist in their corporate capacity, and bear a part in the prosecution of the canal, they conceive themselves entitled to exercise all the rights and privileges conferred by the act of incorporation.

3rd. That the company will at any time, surrender into the hands of the Territory, all the privileges conferred by the charter, and all property purchased by, or donated to the company, or to any other person on behalf of the company, on condition that they can be assured of the vigorous prosecution, and early completion of the canal by the Territory.

This has all along been the feeling of the company—was so clearly expressed by me to a member of the committee, when interrogated on this point at the last session, and has been repeated by the board of directors in their recent memorial. The company, however, feeling anxious for the complete success of this measure, and believing it impolitic for the Territory to incur a debt, over and above the value of the lands appropriated by Congress for this purpose, have not ventured to propose such a measure to the Legislature. With the means now in the hands of the Territory, it is believed, that, with the judicious co-operation of the canal company, the work may be completely successful, and yield immense benefit to the whole country, without involving it in debt, and consequent taxation, to the amount of one dollar.

4th. That during the two years since the formation of the company, their expenditures have been but about eight thousand dollars. This includes all the expenses of the company, in running the first experimental levels—in obtaining the grant of land—in running the subsequent random levels, necessary to the location of the canal, and the final surveys of location; all of which have required surveys, equal to running about four lines, throughout the whole extent of the route, from Lake Michigan to Rock river. We venture to say, the same amount of work has never been effected for a less sum, in any country. It is not my province to institute a comparison between this expenditure of the company, for *two* years past, and the amount of business by them transacted; with the Territorial expenditures of the past year, and the small amount of business necessarily transacted by its officers in furtherance of the work. Such a comparison will readily be made by the Legislature, who are in poscession of all the material facts; and might be considered invidious in me. I will, however, remark, that it has been the constant aim of the board of directors, to conduct the business on the most economical basis, consistent with the nature of the duties to be performed.

5th. That, in June last, several jobs were let by the company; on one only of which, operations have as yet been commenced, owing to the embarrassed state of the financial affairs of the country. This job is the heaviest one which has been contracted, and work has there been commenced and prosecuted to considerable extent. With a favorable change of times, during the next season, it is believed that the jobs already under contract may be completed, and thus a successful beginning be made, which must secure an early completion of the whole canal.

All which is most respectfully submitted.

BYRON KILBOURN,
Pr. Mil. & R. river canal company.

To the Honorable House of Representatives:

Having received from John Catlin, Esq., chief clerk, a communication enclosing the following resolution adopted on the 26th inst., viz:

"*Resolved,* That the president of the Milwaukee and Rock river canal company be requested to inform this House, upon what terms said company will surrender to the Territory the privileges conferred upon them by the act of their incorporation," I beg leave respectfully to state, in compliance with said resolution, that I have been instructed by the board of directors in case I should be called on for that purpose to submit the following propositions, and also authorized to exercise on their behalf, a discretionary power, in making or receiving any communications or propositions relative to the canal, and the interests of the company as connected therewith. I accordingly take pleasure in submitting the following propositions to your honorable body, in compliance with the above resolution, viz:

1st. Satisfactory assurance to be given that the work will be commenced by the Territory as soon as the money affairs of the country will enable a loan to be effected; or if such loan cannot be obtained before September next, that the funds then on hand, and thereafter accruing, will be currently applied to the work from that time until a loan can be effected, said funds to be applied to the performance of work on the jobs now under contract, and for which the company are held liable to the contractors.

The reason for this stipulation will be apparent at first view; as in the first place it is a *matter of* general interest, to all those who have purchased canal lands that the work should be speedily commenced, in order that by its disbursements, they may meet their liabilities, and receive some return for the enhanced price by them paid for the land, in anticipation of the benefits to be derived from its early prosecution—and in the second place, as a financial measure on the part of the company, if they surrender their privileges, they wish also to be relieved from their liabilities.

2d. The company will transfer to the Territory, all lands, and contracts for lands, held by the company, or by others on behalf of the company; subject to the conditions of the original contracts between the grantors and the company; the Territory to exonerate the company from all liabilities under, or growing out of such contracts.

The reason for these stipulations, is simply, that the company have agreed in these contracts, to pay certain sums of money, and perform other acts, authorized by their charter, as a consideration for these contracts. They could not, therefore, with any propriety, transfer the property without being exempted from the liabilities incurred for its purchase.

3d. That no material alteration be made in the line of canal, as now located, without the concurrence of the company.

The object of this provision is, more to guard the interest of the settlers along the route, than from any interest appertaining to the company. The line of the canal was located and established before the lands were set off, and the boundaries of the grant were regulated by the line so located, which serves as a centre line to the tract of land set off for the purposes of the canal. This line was established after a careful examination, and numerous experimental lines had been run; and is believed, in the main, to occupy the best ground for the convenience and cheapness of construction, which is to be found, and, at the same time, an equally advantageous position to secure the greatest amount of hydraulic power, and other privileges involving the interests of the country, both as regards revenue and commercial facilities. The Territorial engineer in his recent report, remarks on this subject, that "the line as it now runs, is perhaps the most direct which could have been selected, and combines many advantages to the Territory, and the agriculturalists living along its route, particularly from the hydraulic power, which will be created in abundance by the lockage." Believing the line to be well located, and believing, also, that these "agriculturists," who have been included in the grant, by means of this location, and consequently have had to purchase their lands at the enhanced price under the implied condition of having the canal made where the line was run, are entitled to consideration, the company would feel that they had not properly discharged their duty towards these people, or towards the public, if they were to relinquish this location, unconditionally.

4th. That an amount of work be performed on the canal, from and after the first loan can be obtained equal to $50,000, or upwards, each year; and the canal be completed in ten years from the passage of the act of grant by Congress.

This proposition, like the last, is more for the purpose of promoting the interest of the community, and the public at large, than that of the company, considered solely in the light of an incorporation. For, so far as the company are concerned, as a mere corporation, it would neither add to, nor diminish any thing from their corporate interest, whether any thing be annually expended or not, after they shall have surrendered their charter and their property; but to the citizens of the country, many of whom have purchased lands within the grant, and also many of the members of the company, as part and parcel of the community at large, it is of importance that the work should be gradually progressing.

5th. That the Territory pay to the company in the manner prescribed in the charter, the amount which they have expended prior to the time of transfer.

The foregoing propositions, it is believed, are fair and just, and should the Legislature decide to accept them, and prosecute the work vigorously, the company would much prefer to surrender it than to participate in its construction. But it is, nevertheless, believed that, by a judicious and harmonious co-operation, between the company and the Territorial authorities, the work can be more successfully accomplished, without involving the Territory in any liabilities whatever, except what the proceeds of the lands would discharge. Should the Territory, however, decline receiving the work from the hands of the company, I am authorized on behalf of the directors, to express their willingness to convey to the Territory one half of the lands which have been conveyed to the company, either by purchase or donation.

Having understood from different members of your honorable body that much diversity of opinion exists relative to the probable cost of the canal, I embrace the present opportunity of stating some of the details and facts which occur to me as most prominent, and which may serve as a basis on which to form opinions of the whole.

The work now under contract, embraces the most expensive part of the line from the eastern termination of the canal on the lake shore, along the valley of the river, a distance of between five and six miles; the aggregate amount of which contracts will be about $40,000. This section comprises about one-tenth part of the whole length of the canal, and includes the dam and hydraulic power at Milwaukee, which by many persons is supposed to be the most expensive part of the work, the whole estimated expense of which is $72,966. It cannot be urged that this is a *mere* estimate, and therefore liable to be underrated; but it is a calculation, predicated upon matter of fact contracts, in the hands of responsible men, with the *prices* of each item stated, and clearly defined. Whenever this part of the canal shall be completed, the water power alone, will at once yield a revenue of more than ten per cent. on its cost; and one season's operations will be sufficient to accomplish it.

The line is generally of a very favorable character, there being no deep cuts, nor high embankments in its whole extent. It pursues a succession of valleys throughout its entire course from the lake to Rock river; and in the middle section of the line, there is a continuous line of lakes, and a natural valley, extending about ten miles; along the whole of which, little else is required, except the mere construction of a towing-path along their banks, which can be made for a few hundred dollars per mile. This section embraces about one-sixth part of the whole line, and will probably cost, (aside from lockage,) not exceeding $10,000. Here then we have, in the foregoing sections, sixteen miles of canal, or a little rising one-fourth part of the line, which can be completed for the sum of about $83,000—and the residue of the line, in every respect feasible, and easy of construction.

On the whole line there will not be required more than three or four culverts; and there will not be required a single aqueduct. There is in fact, nearly an entire absence of all the items of heavy expense usual on canals of this extent, excepting only the lockage; and, even in this item, there are not so many locks on the whole line of *sixty* miles, as occurs on the Ohio canal, within the first *thirty-eight* miles. There are 45 locks on the Ohio canal, from Cleveland to Akron, at the Portage summit, in a distance of 38 miles—while on the Milwaukee and Rock river canal, there are 44 locks from Milwaukee to Rock river, a distance of about 60 miles;

and in nearly every locality of the locks, fine building stone are found in abundance. In estimating this work, the prices affixed to each item, are believed to be from twenty to twenty-five per cent. above what they will actually cost, in order to render the estimates entirely safe; and yet the aggregate estimate falls a little short of a million of dollars, after adding ten per cent. for incidental expenses. The estimates of the company, in detail, are subject to the inspection of the Legislature whenever desired.

I am clearly satisfied that these estimates will be found to cover the entire cost, and would not hesitate to enter into contract at any time to perform the work at the prices estimated. Should the Legislature take the work off the hands of the company, I will, as an individual, if desired, enter into a contract to that effect, and perform the work in advance of the payments, monthly.

All which is respectfully submitted.

BYRON KILBOURN,
Pr. M. & R. R. C. Co.

MADISON, Dec. 28, 1839.

Document I.

LETTER FROM THE SECRETARY OF THE WAR DEPARTMENT.

EXECUTIVE DEPARTMENT,
Madison, Dec. 31st, 1839.

To the Honorable Council and House of Representatives:

I herewith transmit a copy of a letter from the Hon. Secretary of War, dated on the 16th of March last, in answer to a resolution

of the Legislative Assembly, asking for a supply of arms for the Territory, and the stationing Dragoons on its frontier.

"*War Department, March 16th*, 1839.

"SIR—I have had the honor to receive your letter of the 20th ultimo, transmitting, in conformity with a resolution of the Legislative Assembly of the Territory of Wisconsin, a memorial of that body, asking a supply of arms for the Territory, and the stationing of Dragoons on its frontier. In reply I beg leave to refer you to my letter to your Excellency, dated the 14th of February last, and to say in addition, that the Federal Executive must be permitted to adopt its own measures, and designate the proper period for executing treaties with the Indians. The arms asked for will be sent to Fort Crawford at the earliest practicable period."

I am, very respectfully,
Your ob't servant,
HENRY DODGE.

Document J.

REPORT OF THE JOINT COMMITTEE ON PUBLIC BUILDINGS.

The joint committee on public buildings, to whom was referred so much of the Governor's message as relates to the subject, respectfully submit the following report:

That by the law of Congress organizing the Territory, the sum of twenty thousand dollars was appropriated for the erection of public buildings at the seat of government:—and by another law

of Congress, approved June 18th, 1838, the additional sum of twenty thousand dollars was appropriated towards the completion of said buildings,—making in the whole, the sum of forty thousand dollars, appropriated by Congress for the purpose of erecting the public buildings of the Territory—a sum in the opinion of your committee, if it had been judiciously expended, amply sufficient for the erection of such buildings as the present wants of the Territory require.

By an act of the Legislative Assembly of the Territory, approved Dec. 3rd, 1836, the town of Madison was fixed upon as the permanent seat of government of the Territory, and the public buildings were authorized to be erected there; and in pursuance of the provisions of that act, James D. Doty, John F. O'Neill and Augustus A. Bird, were appointed commissioners, and a variety of duties were enjoined upon them.

1st. They were required to cause the necessary public buildings to be erected at the said town of Madison, for the accommodation of the assembly and other officers of the Territorial government.

2nd. They were required to agree upon a plan of said buildings, and issue proposals, giving due notice thereof and contract for the erection of said buildings without delay.

3rd. They were required to elect one of their number treasurer, whose duty it was made to draw from the treasury of the United States, such sum or sums of money as had been, or might thereafter be appropriated by Congress towards the erection of the public buildings for the use of said Territory.

Some minor duties were also enjoined upon them, which it is deemed unnecessary to advert to.

The first of these duties has been but partially performed. Although more than two years had elapsed from the time the commissioners were elected, until they were superseded, and although they were supplied with funds that were more than ample for the erection of suitable buildings, yet, at the time of the election of the new commissioners, they had done little more than erect a shell of a Capitol; which is scarcely capable of sustaining its own weight and which, unless it is speedily secured by extensive repairs, must become a heap of ruins.

The second duty of the commissioners, as laid down in the act from which they derive their authority, was *without delay* to issue proposals and contract for the erection of said building. What will be the surprize of all who expect from their public servants a faithful and prompt discharge of their duties, upon learning that these commissioners, according to their own account, expended $12,000 in raising the building as high as the water table—work which is estimated to be worth only $5,154 60, and that they made no contract, as they were required by the law to do, until the 27th April, 1838; more than sixteen months after their appointment.

The remaining duty to which your committee have adverted, that of electing a treasurer and drawing the money, appears to have been attended to with more promptitude; for however negligent the commissioners may have been in the discharge of their *duties*, they seem not for a moment to have lost sight of their *rights*, for it appears that soon after the commissioners had entered upon the discharge of their duties, James D. Doty was appointed treasurer, and Augustus A. Bird acting commissioner; and Mr. Doty received from the treasurer of the United States, the whole of both the appropriations made by Congress. The first inquiry that naturally presents itself is, what disposition has been made of this large sum of money which was designed by Congress to be expended solely in the erection of buildings for the accommodation of the people of the Territory and their representatives? Your committee regret that they have not been able to arrive at any satisfactory result upon this subject, and that the unaccountable and unprecedented *refusal* of these agents of the people to submit their accounts for examination and settlement, has deprived your committee of the only correct means of ascertaining, with any degree of certainty, in what manner that money has been expended, and they are obliged to content themselves with stating in what manner is has *not* been expended. A very slight examination of the results of the doings of these commissioners, is sufficient to satisfy any one, that it has not been expended where the law intended it should be, to wit: in the erection of the public buildings. Upon the most liberal estimate ef the buildings which have been erected at Madison, they cannot have expended more the $19,000 in the erection of them which would leave in their hands a balance of $21,000 unexpended. At the last session of the Legislature a law was passed repealing the act under which the first commissioners held their office, and providing for the appointment annually of commissioners on public buildings, and requiring them to settle with the former board their accounts, and requiring the old board to deliver over to the new, all money, books, papers, vouchers and other property in their possession belonging to the Territory. The former commissioners, not content with having withheld a large proportion of the money which properly belonged to the Territory, denied the right of the Legislature to pass any law which should operate to remove them from office, and refused to settle with the new board of commissioners, or to pay over to them any part of the money in their hands. The new commissioners, for the purpose of testing the validity of the pretensions set up by the old, made application to the district court for the county of Iowa for a writ of *mandamus*. The question was argued at length before that court and the grounds taken by the old commissioners, decided to be altogether untenable, but still as the power of granting that writ was reserved alone to the supreme court of the Territory, it was not granted. Your committee look upon the conduct of the commissioners as reprehensible in the highest degree, and such as should justly bring upon them the censure of all who desire to see the laws of our country upheld and enforced. That sensible men should assume the position that the same power which created their office could not destroy it, appears to your committee so perfectly preposterous, that they cannot avoid the conclusion that the commissioners must have been actuated, in taking that ground, by a design to keep the people in ignorance of their doings, and, indeed, their whole proceedings from the time they first entered upon the discharge of their duties, seem to support that conclusion, and taken in connection with other facts, to which your committee will presently advert, cannot fail to convince the unbiased that there has been for a long time past, a secret co-partnership existing between James D. Doty, J. F. O'Neill and Augustus A. Bird, the late commissioners, and James Morrison, the contractor, by which they were to share in the profits or loss resulting from Morrison's contract as well also, as of the mercantile and other business at Madison, that was conducted ostensibly by Morrison.

By a reference to the facts set forth in the accompanying documents, it will be seen how far your committee are borne out in the views they have been constrained to adopt. For further particulars your committee beg leave to refer you to documents marked A. B. C. and D.

Your committee would fail to discharge the duty assigned them were they to omit stating the satisfactory manner in which the new board of commissioners have performed the duties enjoined upon them. The first and most important was to procure a settlement with their predecessors; they appear to have used every exertion to effect that object and to have failed in all their efforts. As the only alternative left them they have, in pursuance of law, commenced suits in the name of the Territory to recover from the old board the public money in their hands. It is further to be remarked, that the new commissioners found the capitol in an unfinished state and that the contractor manifested but little disposition to complete it, or even to put it in a suitable condition for the Legislative Assembly to meet in it. The present board had not in their possession any of the public money to prepare the Capitol for the reception of the Legislative Assembly, and they magnanimously advanced to the Territory, from their own funds, such sums as was necessary for the purpose; and the disposition they have evinced upon all occasions to promote the interest of the Territory, entitles them in the opinion of your committee, to the approbation of all; and they hope the Legislature will appropriate to them such sums as will amply remunerate them for the money they have advanced, and liberal compensation for their services.

Your committee would further recommend the passage of the accompanying bill, marked E.

J. R. VINEYARD, Chairman.
THOMAS CRUSON,
WILLIAM SHEW,
THOS. JENKINS.

Document A.

George P. Delaplaine, being sworn:

Question.—Will you state, in writing, whether you were a clerk at Madison, for James Morrison, or any of his partners, and when your clerkship commenced, and when it ended, and whether you have any knowledge in relation to a partnership existing between said Morrison and any of the late commissioners, to what said partnership extended, and what means you have of knowing that any such partnership existed, together with any other information in your possession tending to show the manner in which the late commissioners have discharged their duties, and the manner in which said Morrison has fulfilled his contract; and, also, whether you have had any conversation with any of the late commissioners in relation to said partnership, and if you have received any documents from any of them please furnish copies?

Answer.—About the 25th of September, 1838, I was employed by James Morrison as his chief clerk in the mercantile business at Madison, without any definite bargain as to the time I should continue in his employ, or the compensation I should receive. The mercantile business was conducted in the name of James Morrison and company, but the books of the store did not show that any other person was concerned in the business except Morrison. During the time I was in his employ, I had frequently heard rumors that Augustus A. Bird, and other persons, were interested with Morrison in the store, and Bird had attempted, at different times, to assme some control over the store, and direct me as to my duties; and after I had been in his employ about six months, I told him that I had heard rumors that Bird was in partnership with him, and that he attempted to dictate me in the business, and asked him if it was true, and told him if it was that I wished not to have any thing further to do with the business. He told me that Bird was only his agent for superintending the workmen about the Capitol, and had nothing to do with the business of the store in any manner whatever, that I must watch him close, and never permit him to have any thing to do with the books, papers, or any thing belonging to the store; on the contrary, to make him pay cash for such articles as he should wish to procure from the store, or lumber from the mill, saying that he was getting into his debt, and that he already owed him too much; and he frequently during the spring and summer gave me similar instructions. In the month of July last, Mr. Bird came to the store and wished to procure some articles therefrom, when I told him that I was requested by Mr. Morrison to give him no further credit, and that I must consequently expect the cash for such articles as he might wish to procure. He replied that Morrison for some time owed him a large amount of money, and that he was fearful lest it was his intention to cheat him out of it if possible; and that if I would go with him into his house he would prove to me that he was as much interested in the business as Morrison, stating, at the same time, that it was Mr. Doty's wish that he would make me acquainted with the fact, as they had every reason to think, since they (i. e. Doty and Bird) had been to Mineral Point, that Morrison was coming a gum game, and that when a final settlement was to be effected, Morrison alone would be found coming out winner, leaving nothing for the rest. I then went with him into the house, and he there showed me a paper which I think was in Judge Doty's handwriting, and which, at his request, I read; and the substance of it was, that James Morrison, James D. Doty, Augustus A. Bird and John F. O'Neill, entered into a copartnership, under the firm of James Morrison and company, for the purpose of conducting mercantile business, a steam saw-mill, and other business at Madison, and that Morrison should be the acting partner and conduct the business, and that he should make no purchases without the approval of two other of the partners, and that they should share equally between them the profits or loss of the business. The paper was signed by all of said persons in their own hand-writing, with which, with the exception of John F. O'Neill, I am well acquainted. At the same time, Bird had another paper laying on the desk which appeared to be in the same hand-writing with the above, and which I took up, asking if it had any thing to do with the business. He said, yes; it related to the building of the Capitol; and I read it, and the substance of it was, that whereas James Morrison had taken a contract for erecting the Capitol at Madison, this witnesses that the subscribers are jointly interested in the profits or loss of said contract. The paper was signed by James Morrison, James D. Doty, John F. O'Neill and Augustus A. Bird, in their own hand-writing. Neither of said papers had any subscribing witnesses.

A few days after this I determined to leave their employ, and did so, and went from here to Milwaukee; and soon after getting there I wrote back to A. A. Bird, saying that I had heard that he had put reports in circulation that I had runaway, &c., and if he or Morrison wished me to come back, and would write by the return mail, that I would come in the next stage. I alluded in the letter to the agreement he had shown me, and quoted that part which provided that Morrison should be the acting partner; and I also said that if it was not for the respect I had for Judge Doty, that I would then expose their conduct. After I had written the letter, and before I had sent it, I learned that Judge Doty was in Milwaukee, and I immediately went and saw him. I then related to him that I had left the concern, &c., that Bird had made me acquainted with the situation of the concern, and their connection in business; and he nodded his head and made no reply. At the same time, I showed him the letter I had written Bird, and he read it and said that I had better take no notice of the reports I had alluded to, but he said nothing about the partnership to which I had alluded. He expressed much friendship for me, and regret that I had left; and presented me with a testimonial of my character, &c.

The receipts of the workmen for money paid to them by Morrison, were always taken to "James Morrison;" but upon two occasions receipts were written, "Received of James Morrison and Co.," and when Morrison saw them he said they ought to read "James Morrison." I replied that they were paid out of the funds belonging to the store, and he said then they were all right. I have received no documents from any of the before named persons, except the one from Mr. Doty, above alluded to, a copy of which, if requested, I will furnish.

GEO. P. DELAPLAINE.

I have had the pleasure of Mr. Delaplaine's acquaintance for some time past, and am happy to have the opportunity of assuring his friends, and those whose acquaintance he may make, that his character and conduct have been uniformly correct, and that he possesses my entire confidence in his honesty and integrity. I have derived much satisfaction from the intercourse which I have had with him, and hope he may be successful in whatever business he may undertake.

[Signed] J. D. DOTY.

August 5, 1839.

Document B.

JOHN CATLIN sworn:

1. *Question*—Do you know any thing in relation to a partnership existing between the former board of commissioners of public buildings, and the contractor, James Morrison?

2. *Question*—Do you know whether the former board of commissioners were in partnership in the steam mill at Madison, or any other buildings at that place?

3. *Question*—Do you know whether the American Hotel was built by the commissioners, and the contractor, for their joint interest?

4. *Question*—Do you know whether the former commissioners and James Morrison were in partnership in a store at Madison during the years 1838 and 9?

5. *Question*—Do you know any other fact or circumstance

which shows any improper conduct in the former board of commissioners, relating to the discharge of their official duties, as commissioners of public buildings?

Answer to the 1st interrogatory:

I do not know that the former commissioners of public buildings were in partnership in the contract to erect the Capitol with James Morrison.

Answer to the 2nd interrogatory:

I do not.

Answer to the 3rd interrogatory:

I do not. A. A. Bird, the acting commissioner, superintended the erection of the American Hotel, at the same time he superintended the erection of the Capitol, and I don't know whether there was any distinction made in the accounts.

Answer to the 4th interrogatory:

I was at St. Louis, Mo., in the summer of 1838, and in a conversation with Mr. Burrows, of the firm of Burrows & Jennings, I understood him to say that Mr. John F. O'Neill had purchased of them a store of goods, which had gone to Madison, for, or on account of the commissioners of public buildings, and whether he included the contractor with the commissioners, I do not now recollect. From that conversation and other circumstances, which had come under my observation, the impression was left on my mind that a partnership existed, but to what extent I was never able to determine.

Answer to the 5th interrogatory:

Soon after the contract to complete the Capitol was let to James Morrison, the acting commissioner advertised the public property for sale at Madison, consisting of two log buildings, one frame dwelling-house, one frame, three wagons, five or six yoke of cattle, chairs, blankets, blacksmith's tools, cooking stove, &c. &c. The notice which was given of the sale, as near as I can now recollect, was one week; which I thought was too short, as it would prevent bidders from coming from a distance, and there was but little money in town, and but few inhabitants. The sale of said property was for cash, but it was understood that what the contractor should bid off, might be applied on his contract. The shortness of the notice was a subject of remark at the time, and I could not but think there was an evident design to sell the property to the contractor at a low price.

JOHN CATLIN.

Gentlemen of the Committee:

Above you have my answers to the questions which you have propounded. There may be other facts within my knowledge which the committee might deem material, and which, if any, I am willing to answer, if my attention is particularly directed to them.

MADISON, Dec. 26, 1839.

Very respectfully,
Your ob't serv't,
JOHN CATLIN.

Document C.

Col. ABNER NICHOLS sworn:

Question—Did you ever hear any of the commissioners say that they were in partnership in the store kept by James Morrison, at Madison?

Answer—I heard Doty and O'Neill say they and Morrison were in partnership. O'Neill said, "here were the articles of agreement." I saw what he said were the articles of agreement, but did not read them.

Document D.

Mr. WILLIAM N. SEYMOUR sworn:

Question—Do you know any thing in relation to the manner in which the contract was let for the building of the Capitol, whether the commissioners and contractor were in partnership in the taking of the contract of not?

Answer—I know nothing of the commissioners and the contractor being in company from personal knowledge, nothing more than supposition. I have supposed that A. A. Bird was interested with Morrison, and that O'Neill was concerned in the store, and that goods come marked, to the store, "James Morrison & Co.," and O'Neill frequently sent goods with bills of freight in his clerk's hand-writing.

Question—Have you seen any thing during the past season to convince you that a partnership existed in the store?

Answer—Soon after Mr. Delaplaine left, Mr. Bird came after me to go and help Morrison take an inventory of the goods in the store. I did so; during the time, Doty and O'Neill were here in Madison waiting—were frequently in the store, and asked if we had got most through. Bird expressed himself to me that he wanted us to get through, so that he could get a settlement with Morrison, for he could not get a settlement till the inventory was through.

Document E.

A BILL to amend an act, entitled, "An act in addition to an 'Act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings,' approved Dec. 3d, 1836, and for other purposes," approved March 8th, 1839.

SECTION 1. Be it enacted by the Council and House of Representatives of the Territory of Wisconsin, That so much of section second of the act to which this is an amendment, as requires the election of three commissioners of public buildings, to be made at each regular annual session of the Legislative Assembly, be and the same is hereby repealed; Provided, That such repeal shall not in any manner affect the acts or proceedings of the commissioners elected under the provisions of the said act, but the same shall be and remain of the same force and effect as if this act had not been passed.

SEC. 2. There shall be one commissioner elected by joint ballot of the Council and House of Representatives, on the day of January, 1840, at 12 o'clock M., who shall hold his office until the next regular annual session of the Legislative Assembly, and until another election shall be had who shall be styled commissioner of public buildings, and an election shall be made, at each regular annual session of the Legislative Assembly, by the Council and House of Representatives in joint ballot, of commissioner of public buildings; and said commissioner, so elected, shall hold his office until the termination of the next regular annual session of the Legislative Assembly after his election.

Sec. 3. It shall be the duty of the commissioner appointed under the provisions of this act, to perform all the duties required by the act to which this act is amendatory to be performed by the said three commissioners, and he is hereby invested with the same powers to carry into effect the provisions of said act, as are by law given to the said three commissioners, and he shall qualify and give bonds in the same manner.

Document K.

REPORT OF MINORITY OF THE COMMITTEE ON PUBLIC BUILDINGS.

I, the undersigned, member of said committee, beg leave to report: That, having had the subject under consideration, deem the report of a similar committee, at the last session of the Legislature, is amply sufficient to satisfy the most sceptical that the former board of commissioners of public buildings had not acted in conformity to law in the discharge of their duties, and that any further investigation could in no way change the results of said former report.

And I object to the report of the majority of your committee, *First*, Because, on the suggestion of the former report, a new board of commissioners were elected, authorized to settle and adjust the accounts of the old board; and, acting under that authority, have commenced suit or suits against the old board in the name of the Territory.

Secondly, That the majority of your committee assumed the powers of a grand inquest, and went into the forms of an ex parte trial, all of which I deem a work of supererogation, and one calculated to act prematurely and improperly on the prejudices of the public whilst such suit or suits are pending.

And further, that the investigation of the majority of your committee, of matters anterior to the report of a former committee, (before alluded to,) with the accompanying documents, would, in the opinion of the minority of your committee be too apparent of a design for effect, rather than for any beneficial results to the best interests of this Territory.

The minority of your committee cheerfully concur in that part of the majority report of your committee, which approves of the doings of the present board of commissioners of public buildings, and, also, in the principles of the bill submitted for the consideration of the Legislature.

JAMES MAXWELL.

Document L.

REPORT OF SELECT COMMITTEE ON MEMORIALIZING THE SECRETARY OF WAR, &c.

The select committee to whom was referred that portion of the Governor's message, which recommends the propriety of memo-

rializing the Secretary of War, on the necessity of removing the Winnebago Indians, beg leave to report:

That the committee, aware of the importance of the subject referred to them, and the very great interest our fellow-citizens, who now reside in the country, acquired of the Winnebago Indians, under the treaty, approved on the 15th of June, 1838, together with that portion of our citizens who reside on the border of the ceded country take in the immediate removal of the Indians, have had the subject under their most deliberate consideration. The delay of the general government in fulfilling that stipulation of the treaty, which provides for the removal of the Indian's in eight months from its ratification, subjects not only our fellow-citizens who have settled in the ceded country, but those living on its border, to the inroads and depredations of a worthless and degenerate horde, who have lost all the pride of the native red man.

This delay may be mainly attributed to a counteracting influence exercised by the Indian traders, who, forgetful of the obligations which as American citizens they owe their country, use an influence which they have acquired under the protection and authority of the government, to counteract its views, through a mercenary design of monopolizing the large sums annually paid to the Indians, in the shape of annuities, and to another consideration, that the country allotted to the Winnebagoes on the west side of the Mississippi river, known as the Neutral Ground, adjoins on the north, the country of the Sac and Fox Indians, with whom the Winnebagoes are now at war.

At the last session of the Legislative Assembly, a memorial was adopted to the Secretary of War on the subject, after the adoption of this memorial, and on the eve of the close of the session, a communication was received from the Secretary to the Governor on this subject, setting forth that, as the time specified in the treaty for the removal of the Indians had fallen upon a season of the year when the movement of troops would be tardy and expensive, and when the removal of the Indians would be attended with loss and inconvenience to them; that, therefore, the War Department had resolved to postpone carrying into effect the provisions of the treaty, until the necessary means could be taken to ensure its effectual and peaceful execution.

The Secretary further remarks, that the Indians have just cause for the reluctance which they express to a removal, which would bring them into the immediate vicinity of their enemies, and that it is, therefore, the intention of the department to send a deputation or exploring party early in the spring, to select some more suitable place of abode for the tribe, south of the Missouri river, and then to take all the precautionary measures to remove them as early as possible thereafter. The course here suggested, is not warranted by the treaty of November, 1837; by that treaty the exchange of the country allotted to the Indians and their removal to a country south of the Missouri is left to their option, and the suggestion of those measures by the Secretary, shows either a disregard to the terms of the treaty, or a want of knowledge of the Indian character, in supposing that they would at the mere dictation of the Secretary, abandon the hunting grounds of their youth, and the graves of their fathers, for a distant section of the country. If your committee have been *correctly informed*, a commissioner and paymaster was appointed by the War Department to procure a deputation of the tribe to visit the country south of the Missouri, and although the persons selected for this mission were supposed to exercise considerable influence over the Indians, yet the attempt to procure a delegation from the nation proved an utter failure, and that stipulation of the treaty which provides for the removal of the Indians, which has become a law of the land, remains a dead letter.

Your committee have read, with some mortification, the laconic reply of the Secretary of War, dated on the 16th of March last, addressed to the Governor, and in reply to the memorial addressed him at the last session of the Legislative Assembly, communicated to this House by His Excellency the Governor, and referred to your committee. The testy reply of the Secretary to a memorial addressed him in respectful language, asking redress of grievances of which we might rightfully complain, suggests this question to our mind—If the Territory of Wisconsin had arrived at her majority, and taken her position as one of the sovereign States of the Union, would not the Secretary of War have treated the petition of the representatives of the sovereign State of Wisconsin with more consideration than he has deigned to confer on the petition of the representatives of a dependant Territory? We conceive that under the ordinance of '87, the inhabitants of the Northwest Territory have nearly all the rights secured them, which are enjoyed by citizens of the States; among these are the right of petition for the redress of grievances, and exercising this right in behalf of our fellow-citizens, we have, instead of a redress of the grievances complained of, or good cause shown why the government should not instantly have fulfilled a treaty stipulation, the non-fulfillment of which subjects our citizens to constant depredations by the Indians, been informed by the Secretary, that "the Federal Executive must be permitted to adopt its own measures and designate the proper period for executing treaties with the Indians." This is an assumption of power, against the exercise of which we would most solemnly protest.

The ratification of the treaty with the Winnebago nation on the 15th June, 1838, makes it the law of the land, and your committee conceive that, under the constitution, no officer of the government has the power to suspend the execution of the laws.

Your committee would most respectfully submit for the consideration of the house the following resolutions:

Resolved, That the committee to whom was referred that part of the Governor's message, which relates to the memorializing of the Secretary of War on the removal of the Winnebago Indians, be discharged from the further consideration of the subject, and that a select committee of three persons be appointed by this House, to draft a memorial to the President of the United States on the same subject.

Be it further Resolved, That the Governor of this Territory be requested to forward one copy each, of this report and resolutions, to the Speaker of the House of Representatives, and the Secretary of War.

Document M.

COMMUNICATION OF MOSES M. STRONG RELATING TO HIS DISBURSEMENTS AS LATE FISCAL AGENT.

To the Honorable the House of Representatives of Wisconsin Territory:

In reply to a resolution of your Honorable body, passed this day, in the following words—

"*Resolved*, That Moses M. Strong be requested to report to this House, an account of all moneys disbursed by him as fiscal agent, and on what appropriations"—

I have the honor to state:

That, in pursuance of the act of appropriation, approved Dec. 22d, 1838, and of that part of the act of appropriation, approved March 11th, 1839, which makes appropriations to myself, I have disbursed the sum of **$11,059 24**

And, in pursuance of a joint resolution of the Legislative Assembly, approved February 8th, 1839, requiring me to pay to William B. Slaughter the balance of moneys in my hands, I have paid to him the sum of **3,200 00**

Making the sum of **$14,259 24**

exclusive of my payments to Messrs. Collier & Pettus, disbursed by me, in pursuance of the acts of appropriation and resolution of the Legislative Assembly.

At the time of the payments to Col. Slaughter, in March last, I had not ascertained the precise amount of my disbursements, but paid him what was then supposed to be about the balance in my hands. Upon a subsequent correct computation of the amount of my vouchers, I have ascertained that there is still a balance of a few hundred dollars in my hands to be paid over to Col. Slaughter, in pursuance of the resolution alluded to, corresponding nearly in amount with my claims upon the Territory.

It will afford me pleasure at any time to submit to the Legislative Assembly, or any of its members who may wish to see them, the vouchers for my disbursements.

With high respect,
Your ob't serv't,
MOSES M. STRONG.

MADISON, January 6, 1840.

Territory of Wisconsin,

1839. To MOSES M. STRONG, Dr.

July	—To services and expenses, as fiscal agent, in paying debt to Collier & Pettus,	$400 00

Inexpedient at the present time to consider this account.

A. E. RAY,
Ch'm of com. on claims.

Document N.

STATEMENT OF A. A. BIRD, IN ANSWER TO THE REPORT OF THE COMMITTEE ON PUBLIC BUILDINGS.

Whereas a majority of the committee appointed by the Legislative Assembly of the Territory of Wisconsin, to inquire into the business of the public buildings, at Madison, have reported unfavorably as to the course and conduct of the old board of commissioners, in relation to their proceedings as public agents, and upon examining the statement of George P. Delaplaine, I discover that he has stated that I, Augustus A. Bird, of Madison, the subscriber, one of the old board of commissioners, exhibited to him a copartnership contract, which he avers to have been signed by James D. Doty, John F. O'Neill, James Morrison and myself, wherein we became co-partners in relation to all the public business at Madison, to wit: In the erection of the public buildings, or Capitol, in the running of the steam mill, and in a division of the profits that might arise from the sale of goods that we had established in a mercantile concern together. It is not denied by the subscriber that a contract (a copy of which is herewith given) signed by the said Doty, O'Neill, Morrison and myself, was shown by me to the said Delaplaine. The reason, however, of my exhibiting this contract to him, arose from the following circumstance. That when Governor Mason was here in the summer of 1839, he, Mason, inquired of me whether or not the American Hotel had been built with the funds arising from the sale of lots in the town of Madison, advising me that he had been so informed by Judge Doty; which I assured him was not the fact. Mr. Delaplaine then inquired of me whether we had not formed a co-partnership in the erection of the American Hotel. I told him that a company concern had been made of it at first, but that after I had commenced the work and had got out the timber, Judge Doty informed me that some of the share holders of the Four Lake Company had objected to his paying or laying out any money or moneys that belonged to the Four Lake Company, in the erection of an hotel, and that the original plan was abandoned; but that, afterwards, Doty and myself commenced building the hotel upon a smaller scale, and that we then induced O'Neill and Morrison to engage with us in the completion of it; and told the said Delaplaine that if he would accompany me to my room I would show him the original plan and agreement between us, of which the following is a true and correct copy:

"It is hereby agreed, by the subscribers, to take the number of shares of stock in an hotel, to be erected and furnished, in the town of Madison, on block No. 101, Mr. A. A. Bird to be the builder. The capital stock shall be ten thousand dollars, and to be divided into shares of one hundred dollars each, which shall be paid on a call by the directors of the instalments of ten per cent. each. The directors shall be A. A. Bird, James Morrison and John F. O'Neill and J. D. Doty, who shall take such measures to erect and furnish said hotel, and sell or lease the same, as to them shall seem expedient."

"Madison, March 20, 1838.

"'THE FOUR LAKE COMPANY,'—fifty shares, by their Treasurer, J. D. Doty.

"J. D. DOTY,	Ten shares.
"JOHN F. O'NEILL,	Five shares.
"JAMES MORRISON,	Ten shares.
"A. A. BIRD,	Ten shares."

The above agreement, or contract, is the only company paper that I ever exhibited to George P. Delaplaine; and that this agreement, together with the following company contract, in relation to the mercantile concern, are the only two contracts which I have, or have ever had, any knowledge whatever, as existing between either Doty, O'Neill, Morrison, or myself, or of either of us, or them.

The following is a copy of the contract, as existing between Morrison, O'Neill, Doty and myself:

"It is agreed by James Morrison, John F. O'Neill, A. A. Bird and J. D. Doty, to establish a mercantile concern in the town of Madison, Dane county, of which they shall be equal owners, and supply, whenever there shall be required, each his equal proportion of the capital. The capital stock shall consist of twenty thousand dollars. The said Morrison shall be the acting partner of the concern, to make all purchases and sales, and the concern shall be managed and conducted under the name of *James Morrison & Co.* The said Morrison having on hand a stock of merchandize, now at Helena, the same shall be removed to Madison, and received at cost charges; and all other purchases shall be made on bills approved by three of the partners. A lot in said town shall be purchased for the concern, and a store and other necessary buildings erected thereon. The said partners shall share and share alike in the profits and loss of the said concern, and the said business shall be continued until the first day of January, A. D. 1840, unless sooner dissolved by mutual consent; and dividends of the profits of the concern shall be made every twelve months to each partner.

"Madison City, March 19th, 1838.

James Morrison,
John F. O'Neill,
A. A. Bird,
J. D. Doty."

I have thought it proper to copy from the report of the committee, the following passage, and then will submit my answer to the statement:

"The first inquiry that naturally presents itself is, what disposition has been made of this large sum of money, which was designed by Congress to be expended solely in the erection of buildings, for the accommodation of the people of the Territory and their representatives? Your committee regret that they have not been able to arrive at any satisfactory results upon this subject, and that the unaccountable and unprecedented refusal of these agents of the people to submit their accounts for examination and settlement, has deprived your committee of the only correct means of ascertaining, with any degree of certainty, in what manner that money has been expended; and they are obliged to content themselves with stating in what manner it has *not* been expended."

In reply to this I beg leave to refer to the report of the committee appointed by the Legislature at Burlington, to whom were referred all the papers and vouchers of the expenditures in the erection of the Capitol, who reported "That the account rendered by the acting commissioner is entirely correct;" and, also, refer to the Journal of the proceedings of the Legislative Assembly, held at Madison, during the session of 1838-9, by which it will be seen that the same accounts and documents, embracing all the expenditures from the commencement of the erection of the Capitol, up to the time of letting the contract to James Morrison, were laid before the committee appointed by that Legislature. By which reports, it will be seen that the whole amount of expenditures, up to the time of letting the contract to James Morrison, was $12,348 34, and that said Morrison's contract was to complete it for $26,200; making the whole cost of the Capitol, when completed $38,548 34. The new board of commissioners had also these accounts and vouchers before them last summer, and copies of them are now, it is believed, in the possession of the Legislature; and I have ever been willing to exhibit them when called upon; and should have been happy to have shown them to the committee appointed by this Legislature, had I been called upon to produce them. This committee, above referred to, having held their investigations without asking me to attend their examinations, until they had completed the duties required of them as a committee, and the principal witness, George P. Delaplaine, having left this place before I was called upon to attend their meetings; after he had given bail for his appearance to answer at the next term of court to James Morrison, for his misconduct while in the employ of the said James Morrison, and of whom he says he was the principal or chief clerk. At this time, Mr. Jenkins, one of the members of the majority of the committee, waited upon me to inform me that I could then have an opportunity to call upon witnesses, to disprove the testimony which was then before the committee, if I so desired to do, *as they proposed reporting to the Legislative Assembly on that morning.* I told Mr. Jenkins that it was then too late for me to call upon my witnesses to contradict the statements and evidence then before them, after they had finished their business as a committee, and the principal witness had already left, and that I considered that it was my right to have been present during the investigation, and to have had the privilege of questioning the witnesses that were produced, and further said that I would have willingly appeared before, had that privilege been extended towards me. I also stated to Mr. Jenkins that I would await the report of the committee, and if I then thought any matter in their report required explanation, I would answer with my affidavit, or words to the same meaning and import. I have now read the report and its accompanying documents. Upon examining the statement of George P. Delaplaine, I most unhesitatingly pronounce it untrue and incorrect, so far as it regards the copartnership contract in relation to the Capitol and steam mill, which, as he alleges, were shown to him by me. It never has been my purpose to make any public denial to the many unfounded reports that have existed in relation to the contractor and the old board of commissioners, but when I see an investigation held upon a matter of so much importance as this, and in which I freely admit that I feel the deepest interest, and in a subject in which I am charged with acting dishonestly as a public officer, in justice to myself and to the character of other gentlemen who seem to be implicated with me alike in the same transaction, I feel compelled to present a true statement of facts in regard to the alleged copartnership as stated by the clerk of James Morrison and to give a copy of all the company papers or contracts that have ever, in any wise, come to my knowledge.

The undersigned would, therefore, most respectfully ask of the Legislative Assembly, that the memorial be referred to a committee for the purpose of investigating the facts therein set forth, and he hopes that the Legislative Assembly will afford him this investigation for the purpose of shielding him from the attempt which has been made to injure his reputation.

Dated at Madison, this 6th day of January, 1840.

A. A. BIRD.

TERRITORY OF WISCONSIN,

County of Dane, ss:

Personally appeared before me, William N. Seymour, supreme court commissioner, Augustus A. Bird, who, being duly sworn, doth depose and say, that his Statement made to the House of Representatives, on the 7th inst., in answer to the report of the majority of the committee on public buildings, is true to the best of his knowledge and belief.

A. A. BIRD.

Subscribed and sworn to before me, this
7th day of Jan. A. D. 1840.
WM. N. SEYMOUR,
Sup. Court Commissioner.

Document O.

COMMUNICATION OF WILLIAM B. SLAUGHTER, IN ANSWER TO A RESOLUTION, ACCOUNTING FOR MONEYS DISBURSED BY HIM AS FISCAL AGENT.

SECRETARY'S OFFICE, Jan. 11th, 1840.

To the Hon. the Council and House of Representatives:

GENTLEMEN—Your resolution in relation to the manner in which I have recorded and preserved the laws and the proceedings of the Legislative Assembly, and the Executive Journal, and their transmission to the President of the United States, and to the Speaker of the House of Representatives, was this moment received. In reply, I have the honor to state that I have on file in my office the originals of the laws of the several sessions, in labelled packages, distinguishing the laws of one session from those of another; also, printed copies of the same, together with the Journals; which I believe is the uniform mode of recording and preserving the laws in the several states of the Union. I have the honor to state further, that I have transmitted the laws and journal as required by the organic law, within a few days of the time, except the last year; the laws, however, were transmitted before the time appointed. In relation to the Journal, the following are the facts: I applied last fall to the private Secretary of the Governor for the Executive Acts, and informed him that Mr. John Catlin was my clerk to record them. He replied that it would be more convenient to him to have the Executive Journal, and that he would either record the Executive Acts, or have it done. It was accordingly forwarded to him and a part of it only executed. It has, however, been completed and a copy will be forwarded immediately to the President of the United States. It is due to the Executive to state that I did not apply to him for the Executive Acts. I believe the other duties of the Secretary have been duly performed.

I have the honor to be, Gentlemen,
Your ob't serv't,
W. B. SLAUGHTER,
Sec. Wis. Ter.

Document P.

REPORT OF SELECT COMMITTEE TO WHICH THE MEMORIAL OF MESSRS. COLLIER & PETTUS WAS REFERRED AND THE COMMUNICATION OF M. M. STRONG.

Mr. Street, *from the select committee to which the subject was referred, made the following report:*

The select committee to whom was referred the memorial of Messrs. Collier & Pettus, of St. Louis, with the accompanying documents, have had the same under consideration and beg leave to submit the following report:

That from vouchers and papers exhibited to them by M. M. Strong, it appears that on the 27th December, 1839, he borrowed of Collier & Pettus, for the use of the Territory, the sum of $15,000. That about the last of May, 1839, he received from the Treasurer of the United States the sum of $15,000, in drafts on the land offices at Milwaukee and Mineral Point, for the repayment of said loan.

On the 1st of April, 1839, he paid to Messrs. Collier & Pettus $300 towards interest for which he took a receipt; on the 27th of July he paid to them $12,973 03, leaving a balance due at that time, as admitted by their unconditional receipts, of principal and interest, the sum of $2,339 47. Mr. Strong claims, for excess in weight of lead, the further sum of $124 43, which, from a bill of lading exhibited by him, it appears should be allowed; and if so, the whole sum disbursed by Mr. Strong to Collier & Pettus would be $13,397 46; add to this the sum of $200 00 paid to Wm. B. Slaughter, Secretary of the Territory, as per his receipt dated September, 21st, 1839, and it makes the whole sum paid by him on account of the Territory, $13,597 46. This amount deducted from the sum received by Mr. Strong, from the Treasurer of the United States, leaves a balance of $1,402 54, in the hands of said Strong, exclusive of interest.

The amount of principal and interest due Messrs. Collier & Pettus up to the 27th of January, 1840, would be $2,421 35, without allowing the claim of $124 43, above alluded to. If this sum be deducted, the balance due Messrs. Collier & Pettus, on the 27th of January, 1840, will be $2,292 56. The sum of $200 00 above mentioned is embraced in the report of the committee on claims, to whom was referred the vouchers of Mr. Strong's disbursements of the monies received of Messrs. Collier & Pettus.

The claim of Mr. Strong of four hundred dollars for his services in the payment made to Collier & Pettus, would seem to be just and equitable. Had he incurred the expense of going to St. Louis, and paid the debt immediately, none would have objected to giving him the compensation. Whatever excess of interest the

Territory will have to pay by reason of the delay, should be deducted from any allowance made Mr. Strong, which excess amounts, as near as your committee can ascertain, to about $133 50.

J. H. D. STREET, Chairman.
N. DEWEY,
H. N. WELLS.

No. 1.

MEMORIAL

Of the Legislative Assembly, in behalf of the settlers on the even sections reserved by the United States by the law granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents, that by the third section of an act of Congress granting a quantity of land to aid in the construction of the Milwaukee and Rock river canal, it is provided that the alternate sections reserved to the United States shall not be sold at a less price than two dollars and fifty cents per acre and shall not be subject to pre-emption.

Your memorialists believe that injustice has been done by this enactment, to those who had settled on the alternate sections referred to, previously to the passage of the law in implicit reliance on the accustomed liberality of the General Government, for a long series of years have pre-emption rights under certain restrictions been granted to settlers on the public lands. The policy of the government, in this matter, has seemed to have been well settled. By this very policy have people been invited and encouraged to settle on the public lands; on the lands since reserved to government, by the act above referred to, as much as upon any other portion of the public domain. Nor have those who relied on the continuance of this policy in general been disappointed. But for reasons unknown to your memorialists those settling on the even sections reserved to the United States, by the act aforesaid, were, by the express terms of that act, shut out from a right which, if a right at all, as justly belonged to them as to those who had settled on any other of the public lands.

Your memorialists further represent that they believe it would be but an act of justice to fix the minimum price of the reserved sections, at one dollar and twenty-five cents per acre, to actual *settlers.* This is the minimum price of all other public lands whether valuable on account of their proximity to a market and the great water courses of the country or worthless by reason of their distance therefrom. However beneficial a canal may eventually be, it cannot be of any advantage to those *now* living near its route, and to those near market it will be rather an injury; yet are they deprived of pre-emption, granted to others out of the reserve, and obliged to pay at least double the usual price per acre, for lands which they settled on previously to the grant of Congress. It would appear to your memorialists that those who have settled on the great lakes, or navigable rivers, would more justly be required to pay double the usual price per acre, than those who have by *mere chance* settled within five miles of a *contemplated* canal.

In view of these considerations, your memorialists would pray your honorable body to grant a pre-emption right at one dollar and twenty-five cents per acre, to all those who had settled on the alternate sections herein referred to previously to the passage of the law by which those lands were reserved to the United States.

And, as in duty bound, your memorialists will ever pray.

No. 2.

A MEMORIAL

To Congress relative to confirming the titles to lots one, two and three, section thirty-two, town seven, range twenty-two east.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents, That in the summer of 1835, Ebenezer Childs, Linus Thompson and Francis Laventure being possessed of three floating rights under the pre-emption law of 19th of June, 1834, located the same agreeably to the provisions of said act upon lots one, two and three, of section thirty-two, township seven of range twenty-two, in the county of Milwaukee, and took the Receiver's receipt for the same.

That in the same year the late President of the United States, by proclamation, ordered the sale of certain lands in the Green Bay land district, to be held at Green Bay, in the month of September. Among the lands so ordered for sale was the said township seven, (it being then embraced within the limits of said land district,) at which sale the whole of said township was sold, with the exception of such parts as had previously been obtained by pre-emption or floating rights. In the month of May, 1838, these floating rights were rejected by the Commissioners of the General Land Office, and the officers of the land office at Green Bay were directed to refund to the original purchasers the money that had been paid for said premises.

Since the sale of said premises the original purchasers or those who held under them have had possession, and until some time in the winter of 1838, undisputed possession of the same, and have erected buildings and made other valuable improvements thereon, and until a short time previous to the aforesaid decision of the Commissioners of the General Land Office no doubt was entertained of the validity of the title to said premises, and numerous sales were made at prices varying from two hundred and fifty to five thousand dollars per acre. If the government does not interfere and protect the purchasers of said lands consequences will follow, ruinous to many individuals, and will involve hundreds in expensive and almost interminable litigation. If after the lapse of years the decisions of the authorized agents of the United States are to be reversed and pre-emptions rejected, there is no safety in purchasing lands similarly obtained; all confidence would be destroyed in titles, whether obtained from the United States or from individuals; the transfer of property would be prevented, and the settlement and improvement of the country retarded. A similar memorial to the foregoing was sent to your honorable body from this Assembly at its last session, but since that time, having learned that a number of individuals, consisting in part of those who have purchased of said lands and have paid but a small part of the consideration thereof, and who wish to take advantage of a default in the titles, to get a release from their obligations, and on part of individuals who wish to take advantage of any thing whereby they hope to benefit themselves, have taken possession by making claims upon said premises, and have forwarded petitions to your honorable body, praying to have the said lands sold, we deem it our duty to again lay the matter before you. This Assembly are further urged to do this in consequence of the difficulties and disturbances that have since arisen between the purchasers and claimants, and which, if not checked by some immediate action upon the subject, may lead to consequences disgraceful to individuals and to community. Viewing, therefore, the circumstances of the case, the amount of property involved, the great number of hands through which the same has passed, the time that has elapsed since the sale, and the difficulties that have arisen, and may continue to arise, we would ask of the Congress of the United States a confirmation of the titles to said lands; believing that in this way only can strict justice be rendered to the present occupants, and the peace and good order of society maintained.

No. 3.

MEMORIAL

To Congress concerning pre-emption rights to Miners.

To the Honorable the Senate and House of Representatives, in Congress assembled:

The memorial of the Council and House of Representatives of the Territory of Wisconsin, would respectfully represent, That the Legislative Assembly of this Territory, have annually, since its organization, in the year 1836, addressed Congress, calling their attention to the justice and propriety of granting to those persons in this Territory engaged in mining for lead ore, pre-emptions to their lots of ten acres each, held and occupied under a lease from the government, and in accordance with the act of Congress of the 3d of March, 1807.

The Legislative Assembly have heretofore set forth in those memorials, and in the most respectful manner, the hardships, privations and dangers, which an industrious and meritorious portion of our fellow-citizens have endured in extending civilization to the far west, in developing the vast mineral resources of our Territory, and in defending themselves against the aggressions of hordes of hostile Indians in their vicinity. These facts your memorialists have heretofore conceived gave to that portion of our fellow-citizens engaged in mining, a strong claim on the justice and liberality of Congress; but, your memorialists have seen with regret, that these appeals to the justice and liberality of Congress have been received with coldness and neglect. They would again most respectfully urge upon Congress the consideration of this subject, conceiving that their instantaneous action is required, so that the false swearing and fraud that have already taken place, and the speculation which may hereafter take place in the sale or entry of the mineral lands may not militate against the just rights of the miner, who claims a pre-emption to his lot and discovery of lead ore on principles of equity and justice.

Your memorialists would further represent, that under the 4th section of the act entitled "An act to create additional land districts in the States of Illinois and Missouri, and in the Territory north of the State of Illinois," approved June 26th, 1834, it is provided that all lands therein situated are subject to sale and entry, except section sixteen in each township, the tract reserved for the village of Galena, such other tracts as have been granted to individuals and the State of Illinois, and such reservations as the President shall deem necessary to retain for military purposes, any law of Congress heretofore existing to the contrary notwithstanding. By this act of Congress the President may at any time offer these valuable mineral lands for sale; and, should he do so, that portion of our fellow-citizens engaged in mining, who have been invited, under the sanction of the laws to settle on the public lands, and who can in no wise be considered as squatters or trespassers on the public domain, would be at the mercy of the speculator, and would be forced into competition with capitalists, in the purchase of land which, after years of toil, expenditure and privation, he has proved to be valuable. That this may be the case, is the deliberate opinion of your memorialists, unless Congress interpose for the protection of the miner. We are constrained to this belief, from the fact that a distinguished geologist has very lately, under the authority of the government, made a survey of that portion of this Territory, in which lead ore is found noting each township, range, section, and quarter section, wherein lead ore has been discovered, and who will, by his report to Congress, furnish the speculator and capitalist with the most correct data, to enable them to compete with the miner and occupant, and to monopolize the most valuable lands of our Territory.

Your memorialists would further represent, that if a fair construction had been given to the pre-emption act of the 29th of May, 1830, and the instructions issued under that act, revived by the act of 19th June, 1834, by the Commissioner of the General Land Office, to the Registers and Receivers, defining what cultivation was necessary to secure a pre-emption to the occupant, many persons residing in the lead mines could have entered their improvements, and thereby secured their mineral discoveries, but believing that justice would be done them, and that their claims would eventually be secured to them by Congress, these persons did not urge the advantage which the act of the 26th of June, 1834, conferred on them, which act clearly and fully authorizes the sale and entry of the mineral lands, in the Wisconsin land district.

Your memorialists would further represent, that the President of the United States, in his proclamation of July, 1834, and June, 1835, offering the lands in the Wisconsin land district for sale, made a reservation of "all lands on which lead mines or diggings are indicated to exist by the official plats of survey, together with such other tracts as from satisfactory evidence to be adduced to the Register of the land office prior to the date of sale, shall be shown to contain lead mines;" consequently, lands of this description were not offered at public sale or out-cry, according to law, and, therefore, were not subject to private entry.

Your memorialists would further represent, that after the land sales in the Wisconsin land district in the years 1834 and 1835, the Register and Receiver adopted a regulation for their guidance, requiring negative proof that the lands reserved by the President, and which had not been offered at public sale or out-cry, did *not* contain lead ore. Under the action of this regulation numerous tracts of mineral land were entered at private entry, and it is believed an immense amount of fraud and false swearing have been perpetrated to the disgrace of the country and the injury of the miner.

These facts are most respectfully submitted to the consideration of Congress, and your memorialists feel that the state of the case authorizes them in urging on your honorable bodies instantaneous action in the premises. They would, therefore, pray, that a law be passed by Congress, making void all entries of mineral lands; in the entry of which fraud and false swearing can be made to appear, and granting the right of pre-emption to the occupants of all mineral lots, held, worked and occupied, under the regulations adopted by the President of the United States, under the act of 3rd of March, 1807.

And your memorialists, as in duty bound, will ever pray.

No. 5.

MEMORIAL

To Congress relative to duties on imported Lead.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the Council and House of Representatives of the Territory of Wisconsin, respectfully represents, That under an act of Congress, approved the 2d of March, 1833, the duty of three cents per pound on pig, bar, and sheet lead, imposed by the act of the 19th day of May, 1828, together with all other articles manufactured from lead, will be reduced to 20 per cent. on the value thereof, after the 30th day of June, 1842.

Your memorialists are aware, that in approaching your honorable bodies on a subject which was near convulsing our happy country, the most cogent and irrefutable reasons ought to be set forth, to justify them, in touching on so delicate and important a subject, at the same time we will remark, that viewing this Territory as the minor child of the government, we may approach a heretofore indulgent and liberal parent, on a subject which our elder sisters of the confederacy have agreed should remain uninterrupted, for this reason, that at the time of the passage of the act, known as the "Compromise Act," Wisconsin did not exist as a separate Territory, and her interests were not fairly represented in that compromise. Again, were the results of expenditure in our mining operations based on the certainty with which the farmer and manufacturer are rewarded, we would not be found the foremost in trespassing on forbidden ground, or in asking protection from the general government for our staple. It is known, however, to your honorable bodies, that from the uncertainty which attends mining in all countries, and from our want of capital and experience, the high price of labor, the great distance we are from market, and the heavy charges for transportation, that we cannot compete with European capital and experience, and their low prices for labor, in producing lead, although the richness and productiveness of their mines, will not bear a comparison with ours.

It is a fact of some notoriety, that nearly in every portion of this Territory, which has been surveyed and settled, lead ore has been discovered, and that, bordering the Mississippi river, from the vicinity of Lake Pepin to the mines of Missouri, indications of lead ore are found. Possessing a country indicating inexhaustible bodies of this ore, and of such vast extent, would it be good policy on the part of the general government to let the business of mining languish, when its protection for a few years longer would enable us to compete with European capital in the production of lead?

The mining operations in this Territory, have, from the want of capital, been confined to a depth ranging from thirty to one hundred feet; explorations had not been made to any extent below the water. Encouragement has been held out by this Legislature, in granting corporate powers to mining companies, for the purpose of developing its resources to greater depths, and to induce foreign capitalists to make investments in our mines, and, that they have not availed themselves of their privileges, may be mainly attributed, to the anticipated fall in lead, from the reduction of the duty about to take place.

Although a diversity of opinion exists, as to the justice of imposing protective duties for the encouragement of a productive manufacture, confined to any particular section of the Union, yet this objection cannot extend to lead, for, bearing in mind the advice of the father of his country—"in time of peace prepare for war,"—the government have ever shown a disposition to protect all articles produced in our country, which might become necessary for national defence.

The very liberal protection heretofore afforded on our staple, and the fair prices which have been obtained for it, have induced a large emigration from Derbyshire and Cornwall, in the kingdom of Great Britain, and thousands of her miners have found freedom, a competency and happiness in our flourishing Territory; but should your fostering hand be withdrawn from us, distress and ruin must ensue, where happiness and prosperity now reigns.

We, therefore, pray your honorable bodies, to give this memorial the consideration which the national interest, and the future prosperity of our infant Territory require. And if it shall appear that granting us a protective duty on lead, and all articles manufactured therefrom, as will continue our onward march in prosperity, can be done without taxing to too great an extent the patriotism of other sections of the Union, then we ask that our prayer may be heard.

And your memorialists, as in duty bound, will ever pray.

No. 6.

A MEMORIAL

To Congress to extend the jurisdiction of Justices of the Peace.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Legislative Assembly of the Territory of Wisconsin respectfully represents to your honorable bodies, That by the act of Congress of the United States organizing the said Territory, entitled "An act establishing the Territorial Government of Wisconsin," approved April 20th, 1836, it is provided, in the ninth section of said act, "that justices of the peace shall not have jurisdiction of any matter of controversy where the debt or sum claimed exceeds fifty dollars." Your memorialists would state that the cheap and expeditious administration of justice in the Territory is greatly retarded in consequence of the jurisdiction of justices of the peace being limited to so small a sum in such cases, and that such limitation of the jurisdiction of justices of the peace is a source of great and unnecessary expense and trouble to suitors in obtaining their just rights, by compelling them to seek their legal remedy, where the debt or sum claimed to be due exceeds fifty dollars, in the United States District Court of the United States of the Territory, which is burdensome to the people and a great hinderance to the due administration of justice. Your memorialists would further represent, that the collection of debts and the equitable administration of justice would be greatly facilitated, and the expense attending the same greatly decreased, by extending the jurisdiction of justices of the peace in the Territory to one hundred dollars, and that no evil or prejudice would arise to parties by such extension of their jurisdiction. Your memorialists would, therefore, pray your honorable bodies to amend the said act so as to extend the jurisdiction of justices of the peace in this Territory, where the debt, damages or sum claimed to be due shall not exceed the sum of one hundred dollars; and your memorialists, as in duty bound, will ever pray.

Joint Resolutions of the two Houses.

Resolution relative to settlement of the accounts of the Agent appointed to procure and superintend the publication of the Revised Statutes of Wisconsin.

Resolved, by the Council and House of Representatives, That a committee of two from each House be appointed to examine the accounts of Edward V. Whiton, appointed by the Legislative Assembly to superintend the publication of the laws of the Territory; that said committee ascertain the amount of money received by him and the amount disbursed, and report the same to the two Houses, respectively.

Joint resolution relating to printing reports and other documents, made to both Houses.

Resolved, by the Council and House of Representatives, That whenever any report of a joint committee, or other documents, shall be presented to both Houses of the Legislative Assembly; the House first acting upon the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.

Resolution relative to the committees on Public Buildings.

Resolved, by the Council and House of Representatives, That the select committees, in both branches, to which were referred so much of the Governor's message as relates to the Public Buildings, be constituted a joint committee on the Public Buildings; and that all matters referred to them by either branch be acted on jointly, and reports made to both Houses of the Legislative Assembly.

Resolution relating to the election of Canal Commissioners, and filling vacancies that may exist in the board of visitors of the University of Wisconsin.

Resolved, by the Council and House of Representatives, That the two Houses of the Legislative Assembly meet on the 11th instant, at 3 o'clock, P. M., for the purpose of electing, on joint ballot, three Canal Commissioners, and filling vacancies that may exist in the board of visitors of the University of Wisconsin.

Joint Resolutions calling upon the Secretary of the Territory for certain information.

It being provided by the third section of an act of Congress, entitled "An act respecting the government of the Territories of the United States north-west and south of the river Ohio," approved May 8, 1792, that the official duties of the Secretaries of the said Territories shall be under the control of Legislative authority; therefore, be it

Resolved, by the Council and House of Representatives of the Territory of Wisconsin, That the Secretary of the Territory be requested to communicate to the Assembly immediate answers to the following enquiries, to wit:

Have you, in accordance with the act of Congress establishing this Territory, and under the third section of that act prescribing the duties of the Secretary, recorded and preserved the laws and proceedings of the Legislative Assembly?

Have you, in accordance with the same act, recorded all the acts and proceedings of the Governor in his executive department?

And have you transmitted, annually, on or before the 1st Monday of December in each year, one copy of the laws and one copy of the executive proceedings to the President of the United States; and two copies of the laws to the Speaker of the House of Representatives, for the use of Congress?

And further, that he be requested to communicate fully upon each of the two first mentioned enquiries,—stating the particular manner in which the same has been done; whether in books prepared for the purpose or not, or whether the record is merely an abstract, or a complete transcript of the proceedings: and, generally, to state such matters in relation to the performance of the duties of his office, as will enable this House to judge whether the same have been performed according to law.

Resolved, That the chief clerk of the House of Representatives do furnish the Secretary [*with*] a copy of these resolutions, immediately after their passage.

Joint resolution tendering thanks to the Hon. E. V. Whiton.

Resolved, by the Council and House of Representatives, That the thanks of the Legislative Assembly are due, and are hereby tendered to the Hon. E. V. Whiton, for the able, satisfactory, and economical manner in which he has performed his duties as agent to prepare for the press, and to procure the publication of, the Revised Statutes of the Territory.

Communications

Relative to the Territorial Printing.

ENQUIRER OFFICE,
Madison, Dec. 9, 1839.

To the Hon. William A. Prentiss, James R. Vineyard, Morgan L. Martin, Charles C. Sholes, Joseph H. D. Street, and Augustus Story, committee, &c.

GENTLEMEN—I had the honor to receive, on Saturday last, your note informing me that you had been appointed a committee, on the part of the Legislative Assembly, "to call on the several printers at the seat of government, to make inquiries, and report to the Legislative Assembly such information in relation to the price of labor, materials, &c., as will enable the Assembly to determine as to the proper compensation to be allowed for the printing of the Legislative Assembly."

I am well aware that there is a general desire on the part of the people of the Territory to have the subject of the prices hitherto paid for printing enquired into by their legislators, and, if possible, in future have the Territorial printing done at lower rates. I was last year appointed by the Legislative Assembly to do the incidental printing, with an implied understanding that I should be paid the same price that had previously been paid for Territorial printing. Near the close of the session, however, when the question came up for allowing my demand, several of the honorable members were opposed to voting an appropriation to pay my demand, because they conceived the price charged to be too high. To avoid a similar difficulty, the present season, I have taken some pains to collect such information respecting the price paid for printing by Congress, and by several states, and the prices paid to journeymen at different places, as I think will enable the Legislative Assembly to fix upon a proper price to be paid for public printing in this Territory in future.

In the accompanying documents can be found statements of the prices paid for public printing, in the States of Michigan, Ohio and New-York, as well as the prices paid at Washington, in accordance with an act of Congress. The paper marked A. contains the act providing for the appointment of a printer to Congress, and establishing the prices to be paid him. The paper marked B. is a copy of the act establishing the office of State Printer in Ohio, and a statement of the prices paid by the State for printing. Paper marked C. is an affidavit as to the prices paid the State Printer of New-York for public printing; and a statement, also, as to the prices paid journeymen printers. The paper marked D. is an affidavit of the prices paid the State Printer of Michigan; and the prices of journeymen printers, at Detroit, are stated also. Document E.—copies of letters from Messrs. Blair & Rives, publishers of The Globe, Washington.

I pay journeymen printers in my employ, twelve dollars per week. Those who work by the piece are paid 40 cents per 1000 ems for plain composition. For rule and figure work, double price. Paper, ink, &c., costs, when delivered at this place, about 33 per cent. more than it does at Detroit, and nearly 50 per cent. more than it does at Washington, Albany and Columbus.

By the following, your committee will be enabled to form something like an accurate idea, of the difference between the prices hitherto paid in this Territory for printing, and the prices paid at Washington, Albany, Detroit and Columbus. At the rates heretofore charged in this Territory, the printing of a bill, which would make one page, in pica letter, on a foolscap sheet, would be.

2,500 ems, at $2 50 per 1000 ems, $6 25.

The prices paid in New-York, for the same work, at 70 cents per 1000 ems, and 70 cents per token for press work, would be as follows:

Composition 2,500 ems, at 70 cents,	$1 75
Press work, 1 token, "	70
Paper, probable cost,	44
Total,	$2 89

The same, at the Ohio prices, or 35 cents per 1000 ems, and 40 cents per token, would be as follows:

Composition 2,500 ems, at 35 cents,	$0 88
Press work, 1 token, at 40 cents,	40
Paper, probable cost,	44
Total,	$1 72

The same, at the Michigan prices, or 75 cents per 1000 ems, and 75 cents per token, would be as follows:

Composition 2,500 ems, at 75 cents,	$1 88
Press work, 1 token, at 75 cents,	75
Paper, probable cost,	44
Total,	$3 07

Congress pays Messrs. Blair & Rives for a page of bills, containing 1732 ems, $1 00 for the composition; at the same rate a foolscap bill, containing 2500 ems, would amount to $1 44. Press work, in Washington, for medium sheets, 75 cents. All under 250 sheets, counting a token; the price, therefore, for 100 copies of a foolscap page of pica, would be—

Composition,	$1 44
Press work,	75
Paper,	44
Total,	$2 63

The prices paid by the state of Michigan for public printing are more equitable than those paid by Congress, or by the states of New-York and Ohio. In Michigan, the printer is paid for whatever services he performs. If he does a job of work for the State which requires composition and press work only, that is all that the State is called upon to pay for; if, on the contrary, a job requires to be pressed, folded and stitched, the printer is paid for the extra trouble he is put to. According to the prices that have hitherto been allowed in this Territory, the printer has been compelled to charge only for composition; for press work, paper, folding, stitching, &c., he has received no additional compensation. The price has been the same, whether the number he was called upon to print was ten or ten thousand. When a large edition of any document was ordered, the printer invariably lost money; when he was called upon to print a small edition, he made an extravagant profit. In order, therefore, that the Legislature may know something respecting the price I think the public printing of Wisconsin can be done for, I would say, that I will do any portion of the public printing the legislature may favor me with, at the same rates the state of Michigan pays her public printer; and I will engage to do the entire public printing of the Territory, for a term of not less than one nor more than five years, for a less sum than that paid in Michigan, viz: I will discount 20 per cent. from the Michigan price, on all plain composition and press work; and I will give good bonds for the faithful execution of the contract on my part. Respectfully submitted,

J. A. NOONAN.

Madison, December 9, 1839.

Document A.

Resolution directing the manner in which the printing of the Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers.

Resolved, &c., That the printing of Congress, unless whe otherwise specially ordered, shall be done in the following for and manner, viz: Bills, as heretofore, with English type, on foolscap paper, rule and table work, in royal octavo size, where it ca be brought into that size, by any type not smaller than brevie and where it cannot, in such form as to fold conveniently into th volume. All other printing with a small pica type, on royal pape in pages of the same size as those of the last edition of the la of the United States, including the marginal notes. And the following prices shall be allowed and paid for the above describ work: For the composition of every page of bills, one dollar; every page of small pica, plain work, one dollar; of every pa of small pica, rule work, two dollars; of every page of brevi rule work, three dollars and fifty cents; and for a larger form brevier rule work, in proportion. For the press work of bills, i cluding paper, folding and stitching—for fifty copies, twenty-five cents per page; for four hundred copies, one dollar and twenty-five cents per page; for the press work of tables, other than those in the regular octavo form, for six hundred copies, including as above, five dollars and fifty cents per form; for the press work of the journals, of nine hundred copies, including as above, one dollar per page; for all other printing, in the octavo form, of six hundred copies, including as above, eighty-seven and a half cents per page; and for a larger or smaller number, in proportion. That, as soon as this resolution shall have been approved by the President of the United States, each house shall proceed to ballot for a printer, to execute its work during the next Congress; and the person having the greatest number of votes shall be considered duly elected; and shall give bond, with sureties, to the satisfaction of the Secretary of the Senate, and Clerk of the House of Representatives, respectively, for the prompt, accurate, and neat execution of the work; and in case any inconvenient delay should be, at any time, experienced by either house, in the delivery of its work, the Secretary and clerk, respectively, may be authorized to employ another printer to execute any portion of the work of the Senate or House, and charge the excess, in the account of such printer, for executing such work, above what is herein allowed, to the printer guilty of such negligence and delay: *Provided*, That nothing herein contained shall preclude the choice of the same printer by the Senate and House of Representatives."

Approved, March 3, 1819.

[The above may be found on page 1756 of Story's Laws of the United States in Wisconsin Library.]

Document B.

Section 6, of an "Act creating permanently the office of State Printer, and to define his duties," passed by the Legislature of Ohio, during the session of 1836.

"That said State Printer shall be allowed for the composition of laws, journals, reports, messages and other papers or documents, at the rate of thirty-five cents for every thousand ems, with the addition of fifty per centum on all rule and figure work; at the rate of forty cents for each token of press work, of one hundred and twenty-five sheets, for which the Auditor of State is hereby authorized to issue bills in favor of said State Printer, payable at the State Treasury out of any moneys appropriated for that purpose, his account therefor having first been audited and approved by the Auditor, Treasurer, and Secretary of State, aforesaid: *Provided*, That the Auditor of State shall be, and is hereby authorized, at his discretion, to issue bills in advance in favor of said State Printer, to any amount not exceeding one third of the probable amount of his account per annum: *Provided*, That any amount of composition not exceeding four pages, may be charged as four pages, and no more; and if more than four, and not exceeding eight, as eight and no more."

[The above section may be found on page 57, vol. 35, of the Laws of Ohio, in Wisconsin Library.]

Document C.

TERRITORY OF WISCONSIN, } ss,
COUNTY OF DANE, }

George Trumbull, being duly sworn, deposeth and saith, that he is a practical printer, and well acquainted with the business of printing. That for the five years previous to last September, he was foreman in an extensive book and job printing office in the city of Albany, and that according to the best of his knowledge and belief, the following are the prices which *Edwin Croswell, Esq.* Printer to the State of New York, receives from the State for public printing. He receives at the rate of 70 cents per 1000 ems for plain work, and for rule and figure work, double price, or $1 40 per 1000 ems; and 70 cents per token for press work.—The price charged for paper is $6 00 per ream. The prices for blanks, jobbing, etc., are the same as above. Fifty cents per 1000 ems, (rule and figure work, double,) and fifty cents per token are the prices I have understood Mr. Croswell pays Packard, Van

Benthuysen & Co. for doing the State work; and the same is the standard price for all ordinary work.

The prices paid journeymen in Albany at present are, for plain English work, 25 cents per 1000 ems, and double price for rule and figure work. Additional charges are made for trouble when the work is not plain. The prices for press work are in proportion to the prices of composition.

GEO. TRUMBULL.

Subscribed and sworn before me, this 9th day of December, 1839. WM. N. SEYMOUR, Justice of the Peace.

Document D.

TERRITORY OF WISCONSIN, } ss.
COUNTY OF DANE, }

Augustine W. Hovey, being duly sworn, deposeth and saith, that he is a practical printer; that he has followed the business most of the time for the last ten years, and is well acquainted with Legislative printing—has worked in the State office of Michigan, and knows the prices charged by the State Printer of that State; and, also, the prices paid by him to journeymen. The prices charged the State are seventy-five cents per one thousand ems for composition, and seventy-five cents per token for press work, exclusive of paper and ink, which articles are furnished at the current prices. The prices paid journeymen are twenty-seven cents per one thousand ems for composition, and twenty-three cents per token for press work. In addition to the above prices charged by the State Printer, and aside from the charges for stitching and binding, charges were made for drying and pressing the sheets after printing.

Journeymen, who work by the week, receive ten dollars per week.

A. W. HOVEY.

Subscribed and sworn before me, this 9th day of December, 1839. WM. N. SEYMOUR, Justice of the Peace.

Document E.

GLOBE OFFICE,

Washington, 2 *May*, 1839.

SIR:

We proceed to answer your note of the 22d ultimo, left at our office in our absence, relative to the price paid by Congress for public printing.

The Congressional printing is executed under a joint resolution of Congress, passed in March, 1819. It may be found in the 6th volume of the laws of the United States, page 444. It requires the octavo page to be the same size as the laws of the United States, including the marginal notes. We make that page 1732 ems small pica, and 3031 ems brevier. Others make it about 1660 ems small pica; and 2800 ems brevier. Congress pays for composition of plain matter, $1 per page for small pica, and $1 75 per page for brevier. For rule or rule and figure work we are paid double those prices for composition. For press work and paper, and folding and stitching, we are paid 87 1-2 cents for every 600 pages. The paper costs at the mill from $2 50 to $3 00 per ream, royal sheet, 19 by 24 inches. The bills are printed on cap paper which costs from $2 50 to $2 75 per ream, and with English type. There are 25 lines on a page, with riglet between the lines to make it fill out the page. We do not know, exactly, how many ems are in a bill page. We get one dollar a page for the composition of a bill page; and $1 25 for press work and paper and folding and stitching every 400 pages. When there is 100 copies, or less, of bills ordered to be printed, we get 50 per cent. more, for the press work and paper and folding and stitching.

We send to you, enclosed, one sheet of our account against the Senate, which will shew you our charge.

All necessary blank pages are counted as plain matter, and charged for as the largest kind of type used in printing such documents:

For example, if a document makes five printed pages of rule brevier, and 1114 copies are printed, (or any other number in proportion,) we charge as follows:

For composition 5 pages rule brevier, at $3 50,	$17 50
" " 3 " small pica plain,	3 00
" press work and paper and folding,	12 99 7
	$33 49 7

Thirty-three dollars, forty-nine cents and seven mills.

We believe that with the aid of the joint resolution referred to, this letter, and the account enclosed, you will be able to make out an account according to Congress prices. If you shall not, we will at any time give you all the information we possess on the subject.

Respectfully,
BLAIR & RIVES.

J. A. NOONAN, Esq.,
Little Falls, New-York.

GLOBE OFFICE,
Washington, 28*th August*, 1839.

SIR:

We have received your letter dated the 31st ultimo, and proceed to reply to your interrogatories. The price paid journeymen printers in our office and in that of the National Intelligencer, and in all other offices in this city, where they do not "rat it," are as follows:

To journeymen printers by the week, at press or composition, $11 during the session of Congress, and $10 per week during the recess. [The prices were $10 and $9 per week, until about three years ago, when they were raised 10 per cent. on account of the high prices of the necessaries of life.]

Composition, 33 cents a thousand for newspaper and 30 cents a thousand for book work—when the type is smaller than brevier, 10 per cent. is added to these prices.

Press work—Medium and below, 36 cents per token. Royal and super-royal, 41 cents per token. Imperial, 50 cents per token. Larger paper in proportion. All broadsides, double the prices. 240 sheets is considered a token on newspaper; and 250 sheets a token on all other work.

Prices of paper—We pay $4 84 per ream for double cap paper sized, and the same price for double-royal printing paper, 24 by 38 inches—cash. Others pay about $1 more per ream, on a short credit. These are all the kinds of paper we use for Congress work and for the newspaper. Other sizes are in proporton.

Prices of board—Our journeymen pay about $3 per week for board—that is the usual, and we may say the average price.

Respectfully,

BLAIR & RIVES.

J. A. Noonan, Esq.,
Madison, Wisconsin Territory.

Madison, December 8, 1839.

Gentlemen:

According to your request, founded on a resolution of both Houses of the Legislature, requiring information respecting the price of labor, materials, &c., that "will enable the Assembly to determine as to the proper compensation to be allowed for print-

ing," I have to state, that I pay most of my journeymen seven dollars per week and board them. The board I consider to be worth five dollars per week. My paper will average about six dollars per ream delivered in this place.

Yours, respectfully,

W. W. WYMAN.

To W. A. Prentiss, J. R. Vineyard, M. L. Martin, C. C. Sholes, J. H. D. Street, and A. Story, committee.

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23. To annul the marriage of Joseph R. Brown. Reported, 106. In committee, 119. Passed, 125.—(See bill no. 40, C. F.)

24. To provide for the support of common schools. Reported, 108. In committee, 114. Passed, 125.—Passed Council, 206. Further proceedings, 209. Signed, 220. Approved, 249.

25. To amend an act to provide for aiding in the construction of Milwaukee and Rock river canal. Reported, 118. In committee, 139, 155, 159, 161.—Passed, 165, 166. Passed the Council, 194.—Further proceedings, 195, 207. Signed, 213.—Approved, 220.

26. To authorize Hamilton Stevens and others to build and maintain a dam across the outlet of Fox lake,

in Dodge county. Introduced, 118. In committee, 136. Laid on table, 138.

27. To incorporate the bank of Sinipee. Introduced, 119. Indefinitely postponed, 222.

28. To amend an act of the revised statutes of the Territory of Wisconsin, entitled 'an act concerning judgments and executions.' Reported, 119. In committee, 166. Passed, 176. Negatived in Council, 217.

29. Relating to the fiscal agency of Moses M. Strong.—(See resolution no. 9.) Passed, 119. Passed Council, 143. Further proceedings, 147. Signed, 152. Approved, 158.

30. To provide for laying out a Territorial road from Fort Howard to Knagg's Ferry, in Brown county. Introduced—in committee, 155. Passed, 158.—Passed Council, 212. Signed, 220. Approved, 249.

31. To incorporate the wardens and vestrymen of Trinity church of Mineral Point. Reported, 123. In committee, 148. Passed and title amended, 154. Negatived in Council, 176.

32. In relation to assessors. Reported, 124. In committee, 162. Passed, 165. Passed Council, 212. Further proceedings, 215. Signed, 223. Approved, 249.

33. Relative to writ of mandamus. Reported, 124. In committee, 162. Passed, 165. Negatived in Council, 212.

34. Relating to strays. Reported, 124. In committee, 166. Passed, 176. Passed Council, 212. Signed, 220. Approved, 249.

35. To amend an act of the revised statutes of the Territory concerning costs and fees. Introduced, 128. In committee, 179. Passed, 185. Passed Council, 212. Further proceedings, 215, 248. Signed, 250. Approved, 258.

36. To establish the towns and Pewaukee and Granville. Reported, 144. In committee, 163. Passed, 165. Passed Council, 212. Signed, 220. Approved, 249.

37. To provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants. Reported, 140. In committee, 181.— Passed, 192. Passed Council, 217. Signed, 243. Approved, 249.

38. In relation to mills and mill-dams. Reported, 141.— In committee, 197. Passed, 198. Passed Council, 217. Signed, 234. Approved, 249.

39. To amend an act entitled an act in addition to an act to establish the seat of government of the Territory of Wisconsin and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes, approved March 8th, 1839. In committee, 187. Passed, 204. Passed Council, 217. Further proceedings, 218. Signed, 223.— Approved, 224.

40. To provide for laying out a Territorial road from Platteville to Sinipee. Introduced, 154.

41. To organize the county of Dodge. Reported, 157.— In committee, 181. Passed, 193. Passed Council, 217. Further proceedings, 218, 232, 235, 238, 242. Signed, 243. Approved, 252.

42. In relation to United States roads in this Territory.— Introduced, 161. In committee, 226. Passed, 234. Negatived, 242.

43. To lay out and establish certain Territorial roads therein named. Reported, 162. In committee, 196. Indefinitely postponed, 196.

44. To provide for establishing the seat of justice of Racine county. Reported, 163. In committee, 196. Indefinitely postponed, 196.

45. Concerning the duties of clerks of the boards of county commissioners. Reported, 163. In commit-

tee, 181. Passed, 185. Passed Council, 226.—Further proceedings, 245. Signed, 258. Approved, 259.

46. To change the time of holding courts in the second judicial district. Reported, 164. In committee, 197. Passed, 205. Passed Council, 217. Further proceedings, 218, 235. Signed, 238. Approved, 249.

47. To amend an act entitled an act to provide for assessing and collecting county revenue. Reported, 164. In committee, 196. Passed, 213. Passed Council, 242. Further proceedings, 250. Signed, 251. Approved, 259.

48. Relating to the duties of register of deeds of Rock county. Introduced, 167. In committee, 168.—Passed, 185. Passed Council, 212. Further proceedings, 215. Signed, 220. Approved, 249.

49. To regulate the mode of petitioning the Legislative Assembly. Introduced, 181. In committee, 222, 226. Passed, 234. Negatived, 242.

50. To change the name of the town of Mentor. Reported, 197. In committee, 223, 226. Passed, 234. Passed Council, 242. Signed, 243. Approved, 252.

51. To provide for the compensation of the officers of the Legislative Assembly, and for other purposes.—Reported, 202. In committee, 223, 226. Passed, 237. Passed Council, 242. Further proceedings, 243, 250, 253, 254, 256, 257, 258. Approved, 259.

52. Relative to the county officers of Sheboygan county. Introduced, 221. Passed, 221. Passed Council, 227. Signed, 229. Approved, 249.

53. In relation to suits in the Territory. Reported, 250. Passed, 250. Indefinitely postponed, 254. Reconsidered and passed, 256. Signed, 256. Approved, 258.

54. For the relief of William B. Slaughter. Reported, 255. Passed, 255. (See bill no. 51.)

Bills of the Council—

No. 1. To legalize the proceedings of the county commissioners of Crawford county. Introduced, 58. In committee, 62. Indefinitely postponed, 66. Reconsidered, 73. Other proceedings, 78. Negatived, 94.

2. To organize the counties of Calumet and Winnebago. Received, 106. Read 1st and 2nd time, 110. In committee, 111. Further proceedings, 111.—Passed and title amended, 113. Further proceedings, 143, 146. Signed, 156. Approved, 180.

3. To divide the towns of Kinnikenik and Lisbon, &c.—Introduced, 65. In committee, 69. Passed, 77. Signed, 91. Approved, 95.

4. To change the time of holding district court in Racine county. Received, 78. In committee, 103.—Ordered to 3rd reading, 103. Re-considered, 105. Further proceedings, 116, 129. Negatived, 130.

5. To amend an act providing for a Territorial revenue. Introduced, 65. In committee, 69. Passed, 77. Signed, 91. Approved, 95.

6. To authorize the building a bridge across the Fox river. Received, 91. 1st and 2nd reading, 95. In committee, 103. Laid on table, 103. Passed, 241. Signed, 247.

7. To amend an act regulating general elections. Received, 70. 1st and 2nd reading, 71. In committee, 71. Passed, 77. Further proceedings, 83. Signed, 91. Approved, 95.

8. To create the office of superintendant of common schools. Received, 94. 1st and 2nd reading, 95. In committee, 122. Negatived, 122.

9. To amend an act entitled an act to restrain unauthorized banking, &c. Received, 158. In commit-

tee, 206. Passed, 208. Further proceedings, 217, 219, 235.

10. To divide the town of Delevan and for other purposes. Received, 94. 1st and 2nd reading. 95. In committee, 122. Passed, 141. Signed, 156. Approved, 180.

11. To incorporate the Michigan and Rock river rail-road company. Received, 113. In committee, 143. 3d reading, 144. Passed, 146. Further proceedings, 152. Signed, 161. Approved, 194.

12. To provide for the construction of a bridge across Milwaukee river. Received, 110. Read 1st and 2nd time, 110. In committee, 111. Passed, 113.—Signed, 118. Approved, 126.

15. To amend an act concerning justices of the peace. Received, 138. In committee, 147. Passed, 151. Signed, 182. Approved, 194.

16. To prevent the sale of intoxicating liquors to Indians. Received, 102. Read 1st and 2nd time and in committee, 111. Passed, 113. Council non-concurred in amendment, 126. Committee of conference, 153, 165. Report of committee adopted, 171. Signed, 182. Approved, 194.

17. To provide for the support of illegitimate children. Received, 126. In committee, 210. Indefinitely postponed, 211.

19. To amend an act entitled an act relating to the militia. Received, 113. In committee, 143. Passed, 146. Signed, 156. Approved, 180.

20. To exonerate the several counties in the Territory from the payment of certain taxes. Received, 113. In committee, 143. Passed, 146. Signed, 156. Approved, 180.

22. To amend an act concerning the lien of mechanics and others for repairs and improvements on real

estate. Received, 114. In committee, 142. Indefinitely postponed, 142.

23. To organize the towns of Wau-wau-tosa and Aztalan. Received, 187. In committee, 210. Passed, 211. Signed, 223. Approved, 248.

24. To establish the county of Sauk. Received, 138. In committee, 150. Amendments concurred in by Council, 180. Further proceedings, 185. Signed, 204. Approved, 227.

25. To amend an act entitled an act to change the corporate limits and powers of the town of Milwaukee. Received, 122. In committee, 187. Passed, 192. Signed, 209. Approved, 227.

26. To amend an act entitled an act to prescribe the mode of proceedings in chancery. Received, 122. In committee, 147. Re-committed, 149. In committee, 150, 222. Passed, 222. Further proceedings, 235. Signed, 238. Approved, 248.

27. Limiting the term of office of all officers not now limited by law. Received, 126. In committee, 148. Passed, 240. Signed, 242. Approved, 248.

28. To quiet the title of lands sold for taxes. Received, 194. In committee, 206. Passed, 208. Further proceedings, 217, 218. Signed, 226. Approved, 248.

29. To establish the town of Bristol, in the county of Racine. Received, 126. In committee, 166. Passed, 176. Signed, 189. Approved, 195.

30. To provide for taking the census or enumeration of the inhabitants of this Territory, and to fix the time for holding an extra session of the Legislative Assembly. Received, 159. In committee, 168. Further proceedings, 169 to 173. Re-committed, 178. In committee, 179. Further proceedings, 185. Passed, 186. Signed, 204. Approved, 227.

31. To incorporate the Wisconsin lead mining, smelting and manufacturing company. Received, 143. In

committee, 187, 188. Passed, 189. Further proceedings, 207. Signed, 209. Approved, 227.

34. For the relief of the county officers of Crawford county. Received, 143. In committee, 168. Passed, 176. Amendments concurred in by Council, 187. Signed, 189. Approved, 195.

35. To amend an act entitled an act to amend an act to incorporate the Portage canal company. Received, 194. In committee, 210. Passed, 212.—Signed, 223. Approved, 249.

36. To incorporate public libraries. Received, 153. In committee, 210. Signed, 223. Approved, 248.

37. For the relief of insolvent debtors. Received, 179. In committee, 206, 216. Passed, 222. Further proceedings, 235. Signed, 238. Approved, 248.

38. In relation to hawkers and pedlars. Received, 159. In committee, 196. Indefinitely postponed, 197.

39. To provide for holding the district court within the county of Brown, and for other purposes. Received, 159. In committee, 197. Passed, 205. Further proceedings, 217, 218. Signed, 233.—Approved, 248.

40. For the relief of Joseph R. Brown. Received, 171.—In committee, 187, 188. Passed, 190. Signed, 209. Approved, 227.

41. To provide for laying out and opening Territorial roads and for other purposes. Received, 160. In committee, 196. Passed, 205. Signed, 216. Approved, 227. Amendment concurred in, 242.

42. To provide for laying out and establishing Territorial roads therein named. Received, 187. In committee, 196. Passed, 205. Further proceedings, 217. Signed, 223. Approved, 248.

43. Supplimentary to an act for assessing and collecting county revenue. Received, 206. Indefinitely postponed, 240.

43. A. To incorporate the Blue Mounds mining, smelting and manufacturing company. Received, 206. In committee, 234. Lost, 240.

48. To authorize to county of Iowa to collect taxes from the county of Dane for the year 1838. Received, 206. In committee, 224, 226. Indefinitely postponed, 233. Re-considered and passed, 239.—Signed, 243.

52. Concerning actions relating to real property. Received, 206. In committee, 234. Passed, 235. Further proceedings, 245. Signed, 250.

54. Requiring Samuel B. Knapp to pay certain moneys, and for other purposes. Received, 252. In committee, 252. Passed, 253. Further proceedings, 254. Signed, 255. Approved,

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No. 2, relative to comfirming titles to lots one, two, and three, in Milwaukee, 81. In committee, 91. Passed, 93. Passed Council, 102. Signed, 115.

No. 3, concerning pre-emption rights to miners.—Reported, 96. In committee, 107, 155, 159, 162. Passed, 204. Passed Council, 240.—Signed, 243. Approved, 252.

No. 4, concerning pre-emption rights to miners.—Reported, 145. In committee, 159, 162.

No. 5, relative to duties on imported lead. Reported, 174. In committee, 216. Passed, 218.—Passed Council, 240. Signed, 243. Approved, 252.

No. 6, to extend the jurisdiction of justices of the peace. Introduced, 181. In committee, 190. Passed, 204. Passed Council, 240. Signed, 243. Approved, 249.

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No. 2, for appropriations for harbors. Received, 78. In committee, 99. Signed, 138.

No. 4, for an appropriation for the establishment of a penitentiary. Received, 83. In committee, 99.—Signed, 138.

No. 5, for appropriations for lake Michigan and Mississippi rail road. Received, 160. In committee, 190. Passed, 192. Signed, 209. Approved, 227.

No. 6, for an appropriation for the improvement of the Fox, Wisconsin, and other rivers. Received, 160.—In committee, 190. Passed, 205. Further proceedings, 217. Signed, 223. Approved, 249.

No. 7, for an appropriation for survey and construction of rail road from Platteville to the Mississippi. Re-

ceived, 160. In committee, 190. Passed, 192.—Signed, 209. Approved, 227.
No. 9, for appropriation of lands for manual labor colleges. Received, 206. In committee, 234. Passed, 235. Signed, 242. Approved, 249.

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4. Relating to the accounts of E. V. Whiton, 50. Passed, 50. Concurred in by Council, 62. Committee appointed, 63. Signed by speaker, 64.
5. Relative to the half-breed lands on lake Pepin, 54.—Passed, 55. Passed council, 58. Signed by speaker, 59, 60. Approved December 16.
6. Relative to the extension of the military reservation at Fort Snelling, 54. Passed, 55. Passed Council, 58. Signed by speaker, 59, 60. Approved December 16th.
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8. Relative to the distribution of the local laws, 58.—In committee, 62. Engrossed, 66, 68. Passed, 69. Passed Council, 94. Signed, 98. Approved, 104.

9. Relative to the fiscal agency of M. M. Strong. Introduced, 94. In committee, 114. Passed, 119. Title changed to bill no. 29, 119.

10. Relating to the appointment of Samuel B. Knapp fiscal agent. Introduced, 109. In committee, 109. Passed, 113. Passed Council, 126. Further proceedings, 130. Signed, 136.

11. Calling upon the Secretary of the Territory for certain information. Introduced, 151. In committee, 168. Passed, 185. Passed Council, 212. Signed, 220.

12. Relating to seals. Introduced, 151. In committee, 181. Passed, 185. Passed Council, 212. Signed, 220. Approved, 250.

13. Relating to the settlement of the accounts of the late acting commissioner. Reported, 157. In committee, 179. Indefinitely postponed, 179.

14. Relative to the printing of the laws passed at the present session. Introduced, 181. In committee, 197. Further proceedings, 199, 200. Passed, 205.—Passed Council, 242. Signed, 243. Approved, 253.

15. Relating to the United States road leading from Racine to Sinipee. Reported, 197. In committee, 206. Passed, 207. Passed Council, 226. Signed, 229.

16. Relative to the expenses of the Adjutant General's office. Reported, 203. In committee, 210. Passed, 210. Passed Council, 227. Signed, 238.—Approved, 249.

17. Concerning the settlement of the accounts of the late acting commissioner. Reported, 203. In committee, 210. Passed, 215. Passed Council, 227.

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18. Relating to the election of canal commissioners. Introduced, 204. Passed, 205. Passed Council, 227. Signed, 228.

19. In addition to a resolution relating to the appointment of Samuel B. Knapp fiscal agent. Introduced, 216. In committee, 216. Passed, 218. Passed Council, 227. Signed, 237. Approved, 250.

20. Relative to printing the laws in the newspapers. Introduced, 220. In committee, 234. Passed, 238. Negatived in Council, 245.

21. Tendering thanks to the Hon. E. V. Whiton. Introduced and passed, 252. Passed Council, 254.

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2. Relating to public printing. In committee, 62, 70.—Re-committed, 78. In committee, 79. Passed, 79. Further proceedings, 83. Signed, 91.—Committee appointed, 95.

3. Relative to adjournment of the Legislature. Received, 114. In committee, 120. Laid on table, 121.—Further proceedings, 134. Passed, 141. Further proceedings, 143, 147, 153. Signed, 161.—Approved, 194.

4. To locate the University lands. Received, 114. In committee, 142. Passed, 194. Signed, 209.—Approved, 227.

7. Relative to the southern boundary and admission of Wisconsin into the union as a state. Received, 187. In committee, 206. Passed, 207. Further proceedings, 217. Signed, 223. Approved, 249.

12. Authorizing the clerk of the supreme court to keep his office in the capitol at Madison, 227. In commit-

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13. Suspending 14th and 15th of joint rules. Received, 245. Passed, 245.
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